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3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

## An Act to provide Incentive for the Abatement of Pollution

MR. KERR

TORONTO

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BILL 150

1970

## An Act to provide Incentive for the Abatement of Pollution

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpreta-  
tion

- (a) "Minister" means the Minister of Energy and Resources Management;
- (b) "regulations" means the regulations made under this Act.

**2.** The Minister may make grants,

Grants

- (a) to any municipality, including a district, metropolitan or regional municipality, university, school and hospital in respect of equipment for pollution abatement that it has installed and made operational after this Act comes into force for the purpose of incineration, the treatment of sewage, the treatment of water to produce potable water or the treatment or disposal of waste;
- (b) to any person engaged in the generation and production of electricity or in the manufacturing or processing of products, goods or merchandise in respect of equipment for pollution abatement that is used in relation to such generation, production, manufacturing or processing and that he has installed and made operational after this Act comes into force;
- (c) to any owner of a source of pollution, except a motor vehicle, in respect of equipment for pollution abatement that is used in relation thereto and that he has installed and made operational after this Act comes into force; and

- (d) to any person who is engaged, whether for profit or otherwise, in the abatement of pollution or the treatment or disposal of waste, in respect of equipment for pollution abatement or the treatment or disposal of waste that is used in relation thereto and that he has installed and made operational after this Act comes into force.

Eligibility  
for grants  
1960-61  
c. 91

**3.** Every claimant, to be eligible for a grant under section 2, must satisfy the Minister that the tax under *The Retail Sales Tax Act, 1960-61* has been paid by him in respect of the equipment for pollution abatement or the treatment or disposal of waste in relation to which a grant is claimed and that the equipment has been installed and made operational.

Amount of  
grants

**4.** Except as provided under section 5, the amount of a grant to any person, municipality, university, school or hospital shall be,

- (a) where the equipment is used solely for the abatement of pollution or the treatment or disposal of waste, the amount of the tax paid by such person, municipality, university, school or hospital under *The Retail Sales Tax Act, 1960-61* in respect of such equipment; or
- (b) where the use of the equipment is not solely for the abatement of pollution or the treatment or disposal of waste, as determined by the Minister, the amount of such tax that is in the same proportion as the equipment is used for the abatement of pollution or the treatment or disposal of waste.

Where  
pollution  
abatement  
only part of  
result of  
change of  
process or  
method

**5.—(1)** When the Minister determines that a major change in an existing system, process or method of incineration, treatment of sewage, treatment of water to produce potable water, treatment or disposal of waste, generation and production of electricity, or the manufacturing or processing of products, goods or merchandise results in the abatement of pollution, he may make a grant in an amount not to exceed the amount of the tax paid under *The Retail Sales Tax Act, 1960-61* by the claimant in respect of any material or thing required for such change and upon such terms and conditions as he considers proper.

Eligibility  
for grant

**(2)** Every claimant, to be eligible for a grant under this section, must satisfy the Minister that the tax under *The Retail Sales Tax Act, 1960-61* has been paid by him in respect of any material or thing required for such change.



**6.** Grants shall be made under section 2 only in relation to equipment for the abatement of pollution or the treatment or disposal of waste that is approved for the purposes of this Act by the Minister and on such terms and conditions, in addition to those prescribed by the regulations, as may be imposed by the Minister. <sup>Approval of equipment</sup>

**7.** No application for a grant under this Act may be made later than thirty days after the end of the calendar year in which the equipment for the abatement of pollution or the treatment or disposal of waste in relation to which the grant is payable was installed and made operational or in which a change was made under section 5. <sup>Application for grant</sup>

**8.** The Minister may authorize any officer or officers of the Department of Energy and Resources Management or of the Ontario Water Resources Commission to exercise and discharge in his place any of the powers conferred or duties imposed upon him under this Act. <sup>Delegation of powers to officer</sup>

**9.** The Lieutenant Governor in Council may make regulations, <sup>Regulations</sup>

- (a) defining and classifying equipment for the abatement of pollution or the treatment or disposal of waste for the purposes of this Act;
- (b) prescribing equipment for the abatement of pollution or the treatment or disposal of waste or any class thereof to which this Act does not apply;
- (c) prescribing the terms and conditions upon which grants may be made in relation to equipment for the abatement of pollution or the treatment or disposal of waste or any class thereof;
- (d) prescribing forms and providing for their use under this Act;
- (e) prescribing the documents and other information that shall be filed with an application for a grant under this Act;
- (f) limiting the amount of any grant or the aggregate amount of grants that may be paid to any claimant in relation to equipment for the abatement of pollution or the treatment or disposal of waste or any class thereof installed and made operational during any period.

**Moneys**

**10.** The moneys required for the purposes of this Act shall, until the 31st day of March, 1971, be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of moneys appropriated therefor by the Legislature.

**Commence-  
ment  
and repeal**

**11.** This Act shall be deemed to have come into force on the 1st day of April, 1970, and is repealed on the 1st day of April, 1975.

**Short title**

**12.** This Act may be cited as *The Pollution Abatement Incentive Act, 1970*.





An Act to provide Incentive for the  
Abatement of Pollution

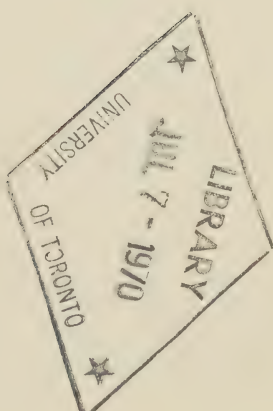
*1st Reading*

June 16th, 1970

*2nd Reading*

*3rd Reading*

MR. KERR



**BILL 150**

Government  
Publication

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3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

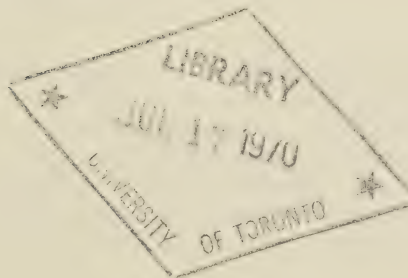
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**An Act to provide Incentive for the Abatement of Pollution**

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MR. KERR

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BILL 150

1970

## An Act to provide Incentive for the Abatement of Pollution

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- (b) to any person engaged in the generation and production of electricity or in the manufacturing or processing of products, goods or merchandise in respect of equipment for pollution abatement that is used in relation to such generation, production, manufacturing or processing and that he has installed and made operational after this Act comes into force;
- (c) to any owner of a source of pollution, except a motor vehicle, in respect of equipment for pollution abatement that is used in relation thereto and that he has installed and made operational after this Act comes into force; and

- (d) to any person who is engaged, whether for profit or otherwise, in the abatement of pollution or the treatment or disposal of waste, in respect of equipment for pollution abatement or the treatment or disposal of waste that is used in relation thereto and that he has installed and made operational after this Act comes into force.

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Eligibility  
for grant

(2) Every claimant, to be eligible for a grant under this section, must satisfy the Minister that the tax under *The Retail Sales Tax Act, 1960-61* has been paid by him in respect of any material or thing required for such change.



**6.** Grants shall be made under section 2 only in relation to equipment for the abatement of pollution or the treatment or disposal of waste that is approved for the purposes of this Act by the Minister and on such terms and conditions, in addition to those prescribed by the regulations, as may be imposed by the Minister. <sup>Approval of equipment</sup>

**7.** No application for a grant under this Act may be made later than thirty days after the end of the calendar year in which the equipment for the abatement of pollution or the treatment or disposal of waste in relation to which the grant is payable was installed and made operational or in which a change was made under section 5. <sup>Application for grant</sup>

**8.** The Minister may authorize any officer or officers of the Department of Energy and Resources Management or of the Ontario Water Resources Commission to exercise and discharge in his place any of the powers conferred or duties imposed upon him under this Act. <sup>Delegation of powers to officer</sup>

**9.** The Lieutenant Governor in Council may make regulations, <sup>Regulations</sup>

- (a) defining and classifying equipment for the abatement of pollution or the treatment or disposal of waste for the purposes of this Act;
- (b) prescribing equipment for the abatement of pollution or the treatment or disposal of waste or any class thereof to which this Act does not apply;
- (c) prescribing the terms and conditions upon which grants may be made in relation to equipment for the abatement of pollution or the treatment or disposal of waste or any class thereof;
- (d) prescribing forms and providing for their use under this Act;
- (e) prescribing the documents and other information that shall be filed with an application for a grant under this Act;
- (f) limiting the amount of any grant or the aggregate amount of grants that may be paid to any claimant in relation to equipment for the abatement of pollution or the treatment or disposal of waste or any class thereof installed and made operational during any period.

**Moneys**

**10.** The moneys required for the purposes of this Act shall, until the 31st day of March, 1971, be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of moneys appropriated therefor by the Legislature.

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**Short title**

**12.** This Act may be cited as *The Pollution Abatement Incentive Act, 1970*.





An Act to provide Incentive for the  
Abatement of Pollution

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*1st Reading*

June 16th, 1970

*2nd Reading*

June 24th, 1970

*3rd Reading*

June 26th, 1970

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MR. KERR

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**BILL 151**

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3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

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**An Act to provide for the  
Regulation of Driver Training Schools**

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MR. BURR

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#### EXPLANATORY NOTE

The purpose of the Bill is to provide for the regulation of the driving school industry in order to improve service to the public.

Provision is made for the registration of operators of driving schools and the licensing of driving instructors. Provision is also made for the setting of minimum standards for such schools, the instructors and the instruction given.



BILL 151

1970

## An Act to provide for the Regulation of Driver Training Schools

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "driver training school" means any school or place wherein persons are taught to operate motor vehicles or taught or instructed in preparation for examination for licences to operate motor vehicles on a highway;
- (b) "driving instructor" means a person who teaches persons to operate motor vehicles or teaches or instructs persons in preparation for examination for licences to operate motor vehicles on a highway and receives compensation therefor;
- (c) "motor vehicle" means a motor vehicle under *The Highway Traffic Act*;
- (d) "Registrar" means the Registrar of Motor Vehicles appointed under *The Highway Traffic Act*;
- (e) "regulations" means the regulations made under this Act.

R.S.O. 1960,  
c. 172

**2.** No person shall operate a driver training school unless he is registered under this Act.

Registration  
required

**3.** No person shall act as a driving instructor unless he is the holder of a driving instructor's licence issued under this Act.

Licence  
required

**4.** Every person who desires to operate a driver training school shall make application in writing for registration to the Registrar in accordance with this Act and the regulations.

Registration

Conditions  
of  
registration

**5.** The Registrar may register an applicant as the operator of a driver training school and may issue a certificate accordingly upon the applicant satisfying the Registrar that the applicant,

- (a) is a fit and proper person to be registered as the operator of a driver training school having regard to his character and integrity;
- (b) is of the full age of twenty-one years;
- (c) is the holder of a driving instructor's licence issued under this Act;
- (d) maintains classroom and office facilities with sufficient space and equipment to properly operate a driving training school; and
- (e) complies with such other requirements as may be designated by the regulations.

Licence

**6.** Every person who desires to act as a driving instructor shall make application in writing for a driving instructor's licence to the Registrar in accordance with this Act and the regulations.

Conditions  
of licence

**7.** The Registrar may issue a driving instructor's licence to an applicant upon the applicant satisfying the Registrar that the applicant,

- (a) is a fit and proper person to be licensed as a driving instructor having regard to his character and integrity;
- (b) is of the full age of twenty-one years;
- (c) is the holder of a chauffeur's licence issued under *The Highway Traffic Act* and has been so licensed for a period of at least one year immediately preceding the date of his application;
- (d) has the ability to instruct persons in the safe operation of motor vehicles; and
- (e) complies with such other requirements as may be designated by the regulations.

R.S.O. 1960,  
c. 172

Renewal

**8.** Every applicant for renewal of registration and every applicant for renewal of a licence under this Act shall, on or before the 1st day of December in each year, apply to the

Registrar for the renewal of the registration or licence upon the prescribed form, which shall be accompanied by the prescribed fees.

**9.**—(1) The Registrar may refuse to grant a registration <sup>Refusal of registration</sup> or renewal of registration where, in his opinion, the registration or renewal should not be granted.

(2) The Registrar may refuse to issue or renew a licence <sup>Refusal of licence</sup> where, in his opinion, such licence should not be issued or renewed.

**10.** If any holder of a licence under this Act ceases to be <sup>Expiry of licence</sup> the holder of a chauffeur's licence under *The Highway Traffic Act*, his driving instructor's licence expires on the date he <sup>R.S.O. 1960, c. 172</sup> ceases to be such holder.

**11.**—(1) The Registrar, or any person authorized by him <sup>Inspection</sup> in writing, may inspect any driver training school at any time,

- (a) to determine the safety of the premises;
- (b) to observe the method of instruction given therein;
- (c) to inspect the business books and records;
- (d) to inspect any circulars, pamphlets and other material used for advertising the driver training school; or
- (e) generally for the purposes of this Act or the regulations.

(2) Every person who, Offence

- (a) obstructs the Registrar or authorized person in making any inspection or observation; or
- (b) refuses or neglects to produce any business book or record upon demand by the Registrar or authorized person,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

**12.**—(1) If, as the result of any inspection of any driver <sup>Cancellation of registration</sup> training school, the Registrar is satisfied,

- (a) that a driver training school is insufficiently provided with the means of instruction;

- (b) that a driver training school is not safe;
- (c) that the charges made for the instruction given are unreasonable; or
- (d) that any regulation pursuant to this Act is not observed therein,

he may cancel the registration, and thereupon the registration and the certificate thereof are void.

Cancellation  
of licence

(2) If, as the result of any inspection of any driver training school or observation of any driving instructor, the Registrar is satisfied that a driving instructor,

- (a) is not a fit and proper person to be licensed as a driving instructor having regard to his character and integrity; or
- (b) does not have sufficient ability to instruct in the safe operation of a motor vehicle,

he may cancel the licence of such driving instructor and thereupon the licence is void.

Offences

**13.** Every person who,

- (a) operates a driver training school when he is not registered pursuant to this Act as the operator of that driver training school;
- (b) acts as a driving instructor when he is not licensed pursuant to this Act; or
- (c) is knowingly responsible for the contravention of any of the provisions of this Act or the regulations,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000 for a first offence and not more than \$2,000 for a second or subsequent offence.

Regulations

**14.** The Lieutenant Governor in Council may make regulations,

- (a) prescribing the security to be provided by the operator of any driver training school for the due performance of his contracts and providing for the forfeiture of such security or a part thereof and for the disposition of the proceeds;



- (b) respecting applications for registration and renewals of registration;
- (c) respecting applications for licences and renewals of licences;
- (d) prescribing the accommodations, materials and equipment required by driver training schools and the means of instruction to be used;
- (e) respecting the qualifications of driving instructors;
- (f) requiring the approval of the Registrar respecting courses of instruction, methods of instruction and premises and equipment used, in connection with a driver training school;
- (g) fixing the fees that shall be payable on applications for registration or renewal of registration;
- (h) fixing the fees that shall be payable on applications for issuance or renewal of a licence;
- (i) generally as to the conduct, operation and management of driver training schools; and
- (j) generally as to the qualifications and training of driving instructors.

**15.** This Act comes into force on a day to be named by the <sup>Commence-</sup>  
Lieutenant Governor by his proclamation.

**16.** This Act may be cited as *The Driver Training School* <sup>Short title</sup>  
*Act, 1970.*

An Act to provide for the  
Regulation of Driver Training Schools

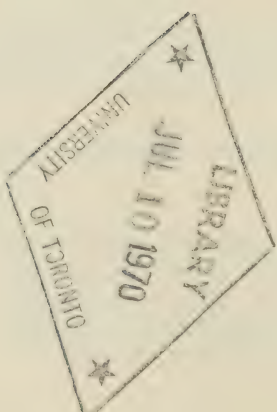
*1st Reading*

June 16th, 1970

*2nd Reading*

*3rd Reading*

MR. BURR



**BILL 152**

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3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

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**An Act to amend  
The Secondary Schools and Boards of Education Act**

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MR. DAVIS

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#### EXPLANATORY NOTES

SECTION 1. The amendment is complementary to amendments at the last session of the Legislature providing for the election of members by separate school supporters.

SECTION 2. The amendments provide for the qualifications and disqualifications of members of a board of education and also for the filling of vacancies.



BILL 152

1970

## An Act to amend The Secondary Schools and Boards of Education Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 of section 50 of *The Secondary Schools and Boards of Education Act*, as amended by section 20 of *The Secondary Schools and Boards of Education Amendment Act, 1968-69*, is repealed and the following substituted therefor: R.S.O. 1960, c. 362, s. 50, subs. 5, re-enacted

- (5) A member of a board of education elected by separate school supporters or appointed by a separate school board is a trustee for secondary school purposes only and shall not vote on matters that affect public schools exclusively, and all other members of a board of education are trustees for public and secondary school purposes. Members to be trustees

2. Section 54 of *The Secondary Schools and Boards of Education Act*, as re-enacted by section 23 of *The Secondary Schools and Boards of Education Amendment Act, 1968-69*, is amended by adding thereto the following subsections: R.S.O. 1960, c. 362, s. 54 (1968-69, c. 115, s. 23), amended

- (2) The provisions of section 93 in respect of the qualifications and disqualifications of members of a divisional board of education apply to members of a board of education established under this Part. Qualification and dis-qualification
- (3) Notwithstanding subsection 2, a member of a board of education who was elected or appointed prior to the 1st day of January, 1970, shall not be disqualified in respect of his place of residence so long as he maintains the residence qualification required of him at the time of his election or appointment. Exception
- (4) Subject to subsection 5, where the office of a member of a board of education becomes vacant from any Filling vacancies

cause before the expiration of his term, it shall be filled in the manner provided for filling a vacancy on a divisional board of education.

Filling  
vacancies  
prior to  
next election

- (5) Where, before the election next following the 1st day of January, 1970, a vacancy occurs in the office of a member of a board of education who was appointed by a separate school board, such separate school board shall appoint a member to fill the vacancy, and the person so appointed shall hold the qualifications required of a member of a board of education elected by separate school supporters.

R.S.O. 1960,  
c. 362,  
ss. 56, 58-60,  
repealed

**3.** Section 56, as amended by section 26 of *The Secondary Schools and Boards of Education Amendment Act, 1968-69*, and sections 58, 59 and 60 of *The Secondary Schools and Boards of Education Act* are repealed.

R.S.O. 1960,  
c. 362, s. 81  
(1968, c. 122,  
s. 8), subs. 1,  
cl. e,  
amended

**4.—(1)** Clause *e* of subsection 1 of section 81 of *The Secondary Schools and Boards of Education Act*, as enacted by section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1968*, is amended by adding at the end thereof "and includes an area municipality as defined in *The District Municipality of Muskoka Act, 1970*", so that the clause shall read as follows:

1970, c. ...

- (*e*) "district municipality" means a municipality, except a city, in a territorial district, and includes an area municipality as defined in *The District Municipality of Muskoka Act, 1970*.

R.S.O. 1960,  
c. 362, s. 81  
(1968, c. 122,  
s. 8), subs. 1,  
cls. g, i,  
re-enacted

(2) Clauses *g* and *i* of subsection 1 of the said section 81 are repealed and the following substituted therefor:

- (*g*) "public school elector" in a school division means,

(i) in a municipality, a person whose name is entered on the last revised voters' list as qualified to vote at the municipal elections of the municipality, but does not appear thereon as a supporter of a separate school for Roman Catholics, and

(ii) in territory without municipal organization, a person who is of the full age of twenty-one years and a British subject and whose name is entered on the last revised assessment roll for such territory, except a person who is a Roman Catholic and whose name is entered on such roll as a separate school supporter.

SECTION 3. The provisions of sections 56, 58, 59 and 60 are now covered in section 54 and are, therefore, repealed.

SECTION 4—Subsection 1. District municipality is redefined to include a reference to the area municipalities in The District Municipality of Muskoka.

Subsection 2. The definitions are revised for the purpose of clarification.

SECTION 5. The new subsections authorize the arbitrators to amend their decision where new evidence has come to the attention of the divisional board, and the time for making decisions and implementation thereof has been extended.



(i) "separate school supporter" in a school division means,

- (i) in a municipality, a person whose name is entered on the last revised voters' list as qualified to vote at the municipal elections of the municipality and appears thereon as a supporter of a separate school for Roman Catholics, and
- (ii) in territory without municipal organization a person who is of the full age of twenty-one years, a British subject and a Roman Catholic and whose name is entered on the last revised assessment roll for such territory as a supporter of separate schools.

**5.** Subsection 7 of section 84 of *The Secondary Schools and Boards of Education Act*, as enacted by section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1968*, is repealed and the following substituted therefor:

- (7) The decision of a majority of the arbitrators under subsection 3 or 4 shall be made on or before the 31st day of July, 1970 except a decision in respect of a teacher's contract under clause *f* of subsection 2 which shall be made on or before the 1st day of May, 1969, and, subject to subsection 7*b*, every such decision is final. Decision of arbitrators
- (7*a*) A decision under subsection 3 or 4 or an amended decision under subsection 7*b* shall not be implemented before the 1st day of January, 1971, but the provisions of this subsection shall not operate so as to prevent the implementation before the 15th day of June, 1970, of, Implementation of decision
  - (*a*) a decision in respect of a teacher's contract under clause *f* of subsection 2; or
  - (*b*) a decision, other than a decision referred to in clause *a*, that has been implemented in whole or in part before such date.
- (7*b*) Where, subsequent to the decision of the arbitrators referred to in subsection 7, a matter or condition that was not evident at the time the decision was made is brought to the attention of the divisional board before the 30th day of September, 1970, the divisional board, where no part of the decision, other than a Amended decision

decision in respect of a teacher's contract under clause *f* of subsection 2, has been implemented before the 15th day of June, 1970, shall, before the 15th day of October, 1970, refer the matter or condition to the arbitrators who shall, prior to the 15th day of November, 1970, make a decision in relation to such matter or condition in accordance with this section, and may amend their former decision accordingly, and the provisions of subsection 6 apply *mutatis mutandis*.

Vacancy in  
arbitrators

- (7c) For the purposes of subsection 7b, where an arbitrator appointed under subsection 3, 4 or 5 is unable for any reason to act, a person qualified in accordance with subsection 3 shall be appointed to fill the vacancy by the board, or by the arbitrators, that appointed the arbitrator who is unable to act.

R.S.O. 1960,  
c. 362, s. 85,  
subs. 1a  
(1968-69,  
c. 115, s. 34,  
subs. 2),  
re-enacted

**6.** Subsection 1a of section 85 of *The Secondary Schools and Boards of Education Act*, as enacted by subsection 2 of section 34 of *The Secondary Schools and Boards of Education Amendment Act, 1968-69*, is repealed and the following substituted therefor:

Where  
estimates  
submitted  
after Mar.  
1st

- (1a) Where, in any year, a divisional board is unable to submit the statement and requisition required under subsection 1 to the council of each municipality in the school division on or before the 1st day of March, the later submission thereof does not relieve the council of its duty under subsection 1 of section 88 to levy and collect the amount required by the divisional board.

Where cost  
of separate  
levy payable  
by divisional  
board

- (1b) Where, in the year 1971 and in any year thereafter, the council of a municipality is required, by reason of receiving the requisition of a divisional board under subsection 1 after the 1st day of March, to levy the amount required by the divisional board by a separate levy from the amount levied for municipal purposes, the divisional board, on the request of the treasurer of the municipality, shall pay to the treasurer the cost of levying the amount required by the divisional board.

R.S.O. 1960,  
c. 362, s. 86,  
subs. 1a  
(1968-69,  
c. 115, s. 35),  
amended

**7.—(1)** Subsection 1a of section 86 of *The Secondary Schools and Boards of Education Act*, as enacted by section 35 of *The Secondary Schools and Boards of Education Amendment Act, 1968-69*, is amended by striking out "on or before the 1st day of March in that year" in the ninth and tenth lines and inserting in lieu thereof "within thirty days after receiving the apportionment from the divisional board", so that the subsection shall read as follows:

SECTION 6. The amendments provide that, where estimates are submitted after the 1st day of March in any year, the municipalities in a school division are not relieved of their obligation to levy and collect the amount required by the divisional board.

SECTION 7—Subsections 1 and 2. The purpose of the amendments is to allow thirty days for an appeal in respect of apportionment.

Subsection 3. The decision of the arbitrators is made effective only for the year in respect of which the decision is made.

Subsection 4. The amendment is to ensure that appeals may be made only by resident ratepayers.

- (1a) Where, in any year, territory without municipal organization is included in a school division and property therein is assessed for the first time for the purpose of levying rates and collecting taxes for school purposes, such assessment shall, for the purposes of apportionment of costs for that year under this section, be the assessment on which taxes are levied in that year and a request for arbitration under subsection 10 may be made within thirty days after receiving the apportionment from the divisional board.

Apportionment where unorganized territory becomes part of school division

(2) Subsection 4 of the said section 86, as enacted by section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1968*, is repealed and the following substituted therefor:

R.S.O. 1960, c. 362, s. 86 (1968, c. 122, s. 8), subs. 4, re-enacted

- (4) Where in respect of any year, the council of a municipality is of the opinion that the apportionment made under subsection 2 or 3 imposes an undue burden on the ratepayers of the municipality or of part thereof, the council may apply to the divisional board, within thirty days after receiving the apportionment from the divisional board, for an arbitration to determine the proportion of the sums required for public school purposes and for secondary school purposes that each municipality or part thereof shall bear in such year.

Request for arbitration

(3) Subsection 9 of the said section 86 is amended by striking out "a period of three years or until the equalized assessment of a municipality in the school division is increased or decreased by a total of more than 10 per cent since the last decision of the arbitrators" in the fourth, fifth, sixth and seventh lines and inserting in lieu thereof "the year in respect of which the decision is made", so that the subsection shall read as follows:

R.S.O. 1960, c. 362, s. 86 (1968, c. 122, s. 8), subs. 9, amended

- (9) The decision of the arbitrators, or, if the matter is referred to the Ontario Municipal Board, the decision of the Ontario Municipal Board, is effective for the year in respect of which the decision is made.

Effect of decision

(4) Subsection 10 of the said section 86 is repealed and the following substituted therefor:

R.S.O. 1960, c. 362, s. 86 (1968, c. 122, s. 8), subs. 10, re-enacted

- (10) In territory without municipal organization that is deemed to be a district municipality in a school division, five ratepayers resident in such district municipality have the same powers as the council

Territory without municipal organization



of a municipality under subsections 4 and 8 and may appoint one ratepayer to act as treasurer for the purposes of this section and, where any disagreement arises in respect of such appointed treasurer, the secretary of the divisional board shall designate the person so to act.

R.S.O. 1960, c. 362, s. 86 (1968, c. 122, s. 8), amended (5) The said section 86 is amended by adding thereto the following subsection:

Adjustment as result of arbitration :

- (11) Where in respect of any year a municipality in a school division has, under section 88, levied the amounts that were requisitioned by the divisional board and such amounts are altered by a decision of the arbitrators or by a decision of the Ontario Municipal Board, an overpayment or an underpayment in respect of the municipality or part, resulting from such alteration, shall be adjusted in the levy for the following year.

R.S.O. 1960, c. 362, s. 87a (1968-69, c. 115, s. 38), subs. 6, re-enacted 8. Subsection 6 of section 87a of *The Secondary Schools and Boards of Education Act*, as enacted by section 38 of *The Secondary Schools and Boards of Education Amendment Act, 1968-69*, is repealed and the following substituted therefor:

Request for arbitration

- (6) Where the council of a municipality is of the opinion that the apportionment made under this section imposes an undue burden on the ratepayers of the municipality or part, the council may apply to the divisional board, within thirty days after receiving such apportionment from the divisional board, for an arbitration to determine the proportion of the sums required for public school purposes and for secondary school purposes that each municipality shall raise in respect of the year for which the request for an arbitration is made, and the provisions of subsections 6 to 11 of section 86 apply *mutatis mutandis*.

R.S.O. 1960, c. 362, s. 88, subs. 1a, 1b (1968-69, c. 115, s. 39, subs. 2), repealed 9.—(1) Subsections 1a and 1b of section 88 of *The Secondary Schools and Boards of Education Act*, as enacted by subsection 2 of section 39 of *The Secondary Schools and Boards of Education Amendment Act, 1968-69*, are repealed.

R.S.O. 1960, c. 362, s. 88 (1968, c. 122, s. 8), amended (2) The said section 88, as enacted by section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1968* and amended by section 39 of *The Secondary Schools and Boards of Education Amendment Act, 1968-69*, is further amended by adding thereto the following subsections:

Subsection 5. The new subsection allows for adjustment in the following year where a decision of the arbitrators alters the requisition made by the divisional board.

SECTION 8. The amendment is to allow an appeal within thirty days after the apportionment has been received.

SECTION 9—Subsection 1. The provisions applied only in the year 1969 and are repealed as obsolete.

Subsection 2. Provision is made for the termination of agreements. Provision is also made for the payments in the year 1970 to a divisional board where the divisional board has not requisitioned before the 1st day of March.

Subsection 3. Provision is made for payments to a divisional board where the divisional board has not requisitioned before the due date of the first instalment.

- (1e) Where an agreement under subsection 1d does not provide for its termination, it shall continue in force from year to year until it is terminated on the 31st day of December in any year by notice given before the 31st day of October in such year, <sup>Termination of agreement</sup>

- (a) by the secretary of the divisional board as authorized by a resolution of the divisional board; or
- (b) by the clerks of the majority of the municipalities which represent at least two-thirds of the equalized assessment in the school division,

and where no agreement is in effect under subsection 1d, the payments shall be made as provided in subsection 1c.

- (1f) Where in the year 1970 the requisition under subsection 1 of section 85 is not submitted to the council of a municipality on or before the 1st day of March, an instalment of the amounts required to be paid by the municipality for public school purposes and for secondary school purposes shall be due and payable, <sup>Where in 1970, requisition received after March 1st</sup>

- (a) thirty days after the date upon which the requisition is submitted;
- (b) thirty days after the date upon which this section comes into force; or
- (c) on the due date of the instalment under subsection 1c or under an agreement made under subsection 1d,

whichever is the latest.

- (3) The said section 88 is further amended by adding thereto the following subsection: <sup>R.S.O. 1960, c. 362, s. 88 (1968, c. 122, s. 8), amended</sup>

- (1g) Where in any year, for any reason, the amounts required to be raised under subsection 1 have not been requisitioned before the date upon which an instalment is due, the amount of the instalment shall be based upon the requisition of the previous year and paid on the due date, and in the case of late payment or prepayment of all or part of such instalment the interest or discount under subsection 1c <sup>Where instalment due before requisition received</sup>

shall apply thereto, and the necessary adjustment shall be made in the instalment due next following the date upon which the requisition of the divisional board is received.

R.S.O. 1960, c. 362, s. 91 (1968, c. 122, s. 8), subs. 3, re-enacted **10.** Subsection 3 of section 91 of *The Secondary Schools and Boards of Education Act*, as enacted by section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1968*, is repealed and the following substituted therefor:

Election of members by separate school supporters in defined city

- (3) The members to be elected under subsection 2 shall be elected as provided in subsection 16 of section 92, which subsection applies *mutatis mutandis*, and otherwise in the same manner as the members under subsection 1.

R.S.O. 1960, c. 362, s. 92 (1968, c. 122, s. 8), subs. 7, re-enacted **11.**—(1) Subsection 7 of section 92 of *The Secondary Schools and Boards of Education Act*, as enacted by section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1968*, is repealed and the following substituted therefor:

When determination to be made under subss. 4-6

- (7) Before the 1st day of September in the year in which an election is to be held, a determination shall be made,

(a) under subsections 4, 5 and 6 if it is determined under subsection 3 that the number of members of the divisional board should be increased or decreased or if one or more municipalities are attached to or detached from the school division under subsection 1 of section 99 effective the 1st day of January next following the election;

(b) under subsection 6 if,

(i) the boundaries of one or more cities within the school division have been altered or a new city has been erected in the school division subsequent to the latest determination made under subsection 6 that did not take into account the altered boundaries or the new city, or

(ii) the boundaries of one or more cities within the school division are to be altered or a new city is to be erected effective on the 1st day of January of the year next following the election; and



SECTION 10. Subsection 3 is revised to permit members who are to be elected by separate school supporters to be elected by areas.

SECTION 11—Subsection 1. Clause *b* is new and provides for a determination of the number of members to be elected where the boundaries of a city are altered or a new city erected.

Subsection 2. The amendments provide for the determination to be made by the clerks of the three municipalities having the greatest residential and farm assessment where a county council formerly made the determination in areas that are included in a regional municipality and provide for a redetermination when the school division is altered under subsection 2 of section 82.

- (c) under subsections 4, 5 and 6 in every fourth year following the latest determination under subsections 4 and 5,

and a determination made under subsection 4, 5 or 6 is effective until a new determination is required in accordance with this subsection.

(2) Subsection 9 of the said section 92 is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 362, s. 92  
(1968, c. 122  
s. 8), subs. 9,  
re-enacted

(9) With respect to,

Distribution  
of members to  
be elected by  
public school  
electors in  
county or  
district  
municipalities

- (a) the county municipalities, except those in a regional municipality that are in a school division, the council of the county;

- (b) the county municipalities, in a regional municipality that are in a school division, the clerks of the three county municipalities having successively the greatest residential and farm assessment for public school purposes in the school division according to the last revised assessment roll as adjusted by the application of the equalization factor based on such assessment provided by the Department of Municipal Affairs; and

- (c) the district municipalities in a school division, the clerks of the three organized district municipalities having successively the greatest residential and farm assessment for public school purposes in the school division according to the last revised assessment roll as adjusted by the application of the equalization factor based on such assessment provided by the Department of Municipal Affairs, and the clerk of each town or village in which a high school is located in the school division, and, where there are fewer than three organized district municipalities in the school division, the clerks of all such municipalities,

shall determine the municipality or municipalities to be represented by each member to be elected in the school division by the public school electors under clause *b* of subsection 6, but in no case shall the determination provide for a member to be elected by a general vote of all the public school

electors of the municipalities other than cities in the school division, and such determination is effective for a period of four years or until the number of members for the school division is increased or decreased under subsection 3 or the boundaries of one or more county or district municipalities within the school division are altered or are to be altered effective the 1st day of January next following the election.

When determination to be made

(9a) Before the 1st day of September in each year in which an election is to be held, the determination under subsection 9 shall be made if,

(a) a determination is made in accordance with subsection 7;

(b) the boundaries of one or more county or district municipalities have been altered subsequent to the latest determination under subsection 9, or are to be altered effective the 1st day of January next following the election; or

(c) the boundaries of the school division are altered, or are to be altered under subsection 2 of section 82 effective the 1st day of January next following the election.

Where judge to make determination

(9b) Where the determination is not made before the 1st day of September, the clerk of the county municipality or of the organized district municipality having the greatest residential and farm assessment for public school purposes in the school division according to the last revised assessment roll as adjusted by the application of the equalization factor based on such assessment provided by the Department of Municipal Affairs, as the case may be, shall refer the matter to the judge who shall make the determination before the 1st day of October in accordance with subsection 10.

R.S.O. 1960, c. 362, s. 92 (1968, c. 122, s. 8), subs. 10, amended

(3) Subsection 10 of the said section 92 is amended by inserting after "municipalities" in the tenth line "or the clerks of the county municipalities in a school division in a regional municipality".

R.S.O. 1960, c. 362, s. 92 (1968, c. 122, s. 8), subs. 11, re-enacted

(4) Subsection 11 of the said section 92 is repealed and the following substituted therefor:

Subsection 3. The amendment provides the determination to be made by the clerks of the county municipalities in a regional municipality.

Subsection 4. The provision is re-enacted to clarify the powers of the judge on appeal.



Subsection 5. The provisions are revised for the purpose of clarification.

Subsections 6 and 7. The amendments provide for determinations in regional municipalities.

- (11) Where the determination made under subsection 9 <sup>Appeal from  
deter-  
mination</sup> allots to a municipality or to a combination of municipalities a percentage of the total number of members to be elected by the public school electors of all the county or district municipalities in the school division that differs by more than five percentage points from the percentage that the equalized residential and farm assessment of the property rateable for public school purposes in the municipality or combination of municipalities is of the total equalized residential and farm assessment of the property rateable for public school purposes in all the county or district municipalities in the school division, the council of the municipality or the council of any one of such combination of municipalities, as the case may be, may, within fifteen days after notice of the determination has been sent, appeal the determination to the county or district judge who shall either reapportion the number of members in accordance with subsection 10 or, where he determines that the determination was made in accordance with subsection 10, confirm the determination, and his decision is final.

R.S.O. 1960,  
c. 362, s. 92  
(1968, c. 122,  
s. 8),  
subs. 12,  
re-enacted;  
subs. 13,  
repealed

- (5) Subsections 12 and 13 of the said section 92 are repealed and the following substituted therefor:

- (12) The clerk of each city and of each county or district <sup>Information  
for deter-  
minations</sup> municipality in a school division and the secretary of the divisional board shall provide to the persons required to make a determination under this section, on their request, the information required for such purpose.

- (6) Subsection 14 of the said section 92 is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 362, s. 92  
(1968, c. 122,  
s. 8),  
subs. 14,  
re-enacted

- (14) The clerk of the county and the clerk of the organized <sup>By whom  
deter-  
mination to  
be made</sup> district municipality or of the county municipality in a school division in a regional municipality having the greatest residential and farm assessment for public school purposes in the school division according to the last revised assessment roll as adjusted by the application of the equalization factor, based on such assessment, provided by the Department of Municipal Affairs, shall,

- (a) make the determinations required under subsections 4, 5, 6 and 19 with respect to a school division in a county or a regional municipi-

pality or in territory without municipal organization, as the case may be; and

(b) send by registered mail to the clerk of each city and of each county or district municipality in the school division and to the secretary of the divisional board,

(i) before the 1st day of September in each year in which it is determined under subsection 3 that the number of members of the divisional board should be increased or decreased or in which a determination is made under subsection 9 or 19, a copy of each of the determinations made under subsections 4, 5, 6, 9 and 19, and

(ii) before the 1st day of October in each year in which a determination is made by the judge under subsection 9b or 19, a copy of the determination.

R.S.O. 1960  
c. 362, s. 92  
(1968, c. 122, s. 8),  
subs. 15, amended

(7) Subsection 15 of the said section 92 is amended by inserting after "the" where it occurs the fourth time in the eighth line "county or".

R.S.O. 1960,  
c. 362, s. 92  
(1968, c. 122, s. 8),  
amended

(8) The said section 92 is amended by adding thereto the following subsection:

New determination where former determination improper

(15a) Where the council of a municipality or a divisional board on behalf of any territory without municipal organization that is deemed a district municipality, after the period allowed for an appeal under this section and notwithstanding a decision made in respect of such appeal, is of the opinion that the composition of the board of a school division was not determined in accordance with the provisions of this section, the council or the board may, before the 1st day of May in the year of the next following election, apply to the judge to have the determination set aside and, where the judge finds that the determination was not made in accordance with the provisions of this section, he shall order a new determination to be made, and the determination so made, subject to an appeal under subsection 11 or subsection 15, shall apply to the election next following such determination, and the divisional

Subsection 8. The new subsections provide for a new determination to be effective in the second year following an election where the divisional board was not constituted in accordance with section 92.

Subsections 9 and 10. The provisions for the time of passing by-laws to elect by areas are combined in subsection 16*a*.

Subsection 11. Clause *a* is revised to make it clear that only the names of the candidates who have qualified shall be sent.

Clause *b* is revised to make it clear that the vote is to be reported to the returning officer who conducted the nomination.

Subsection 12. Subsections 18, 19, 20 and 21 are revised,

- (1) to provide for the election of members by the separate school supporters where there are one or more cities in the school division,
- (2) to provide for the election by wards of the members to be elected by separate school supporters in the county or district municipalities,
- (3) to provide for election by general vote where only one member is to be elected by the separate school supporters,
- (4) to determine the returning officer responsible for the election of members by the separate school supporters.



board in respect of which the application to the judge is made shall be deemed to have been properly constituted notwithstanding any defect in its composition.

- (15b) Notwithstanding the date referred to in subsection 15a, an application to the judge under such subsection in the year 1970 may be made on or before the 15th day of July. New determination in 1970

(9) Subsection 16 of the said section 92 is amended by striking out "passed before the 1st day of November in the year of the election" in the tenth and eleventh lines. R.S.O. 1960, c. 362, s. 92 (1968, c. 122, s. 8), subs. 16, amended

(10) The said section 92 is further amended by adding thereto the following subsection: R.S.O. 1960, c. 362, s. 92 (1968, c. 122, s. 8), amended

- (16a) A by-law for the purpose mentioned in subsection 16 and a by-law repealing any such by-law shall not be passed later than the 1st day of November in the year of the election and shall take effect for the purpose of the election next after the passing of the by-law and remains in force until repealed. Time for passing by-law

(11) Clauses *a* and *b* of subsection 17 of the said section 92 are repealed and the following substituted therefor: R.S.O. 1960, c. 362, s. 92 (1968, c. 122, s. 8), subs. 17, cls. a, b, re-enacted

- (a) the nominations for such members shall be conducted by the returning officer of the municipality having the greatest equalized residential and farm assessment for public school purposes in the combined area, who shall send to the clerk of each municipality concerned, by registered mail within forty-eight hours after the closing of nominations, the names of the candidates who have qualified; and
- (b) the clerk of each municipality shall be the returning officer for the vote to be recorded in his municipality and he shall report forthwith the vote recorded to the returning officer referred to in clause *a*, who shall prepare the final summary and announce the vote.

(12) Subsections 18, 19, 20 and 21 of the said section 92 are repealed and the following substituted therefor: R.S.O. 1960, c. 362, s. 92 (1968, c. 122, s. 8), subss. 18-21, re-enacted

- (18) Where a school division includes county or district municipalities and one or more cities, and the number of members to be elected by the separate school supporters under subsection 5 exceeds one, the number of members to be elected by the separate Number of members to be elected by separate school supporters in cities and county or district municipalities

school supporters of each city and of the county or district municipalities shall be determined in accordance with subsections 6, 7 and 8, which subsections apply *mutatis mutandis*, except that the equalized residential and farm assessment of the separate school supporters shall be used in the determinations.

Distribution  
of members  
to be elected  
by separate  
school  
supporters

(19) Where it is determined under subsection 5 or 18 that the number of members to be elected by the separate school supporters of the county or district municipalities in the school division exceeds one, the county or district municipalities to be represented by each such member shall be determined in accordance with subsections 9, 9a, 9b, 10 and 11, which subsections apply *mutatis mutandis*, except that,

- (a) the equalized residential and farm assessments of the separate school supporters shall be used in all the determinations; and
- (b) the reference in subsection 9 to the clerk of a town or village in which a high school is located in the school division shall be deemed to refer only to a town or village that is a separate school zone.

Election of  
members by  
separate  
school  
supporters

(20) Where the number of members,

- (a) determined under subsection 5, is one, such member shall be elected by a general vote of the separate school supporters of the school division; or
- (b) to be elected by the separate school supporters of the county or district municipalities under subsection 18 is one, such member shall be elected by a general vote of the separate school supporters of the county or district municipalities in the school division.

Idem

(21) Where,

- (a) one member is to be elected by a general vote of the separate school supporters of a school division or of the separate school supporters of the county or district municipalities in a school division; or
- (b) two or more municipalities are combined for the purposes of the election of one or more members by the separate school supporters,



Subsection 13. Subsection 25 is split into three subsections for clarification, and subsections 25*c* and 25*d* provide for the voters' list to be used in an election of members of a divisional board in municipalities and territory without municipal organization.

then,

(c) the nominations for such member or members shall be conducted by the returning officer of the municipality having the greatest equalized residential and farm assessment for separate school purposes in the school division, in the county or district municipalities in the school division or in the combined area, as the case may be, who shall send to the clerk of each municipality concerned, by registered mail within forty-eight hours after the closing of nominations, the names of the candidates who have qualified; and

(d) the clerk of each municipality shall be the returning officer for the vote to be recorded in his municipality and he shall report forthwith the vote recorded to the returning officer referred to in clause c, who shall prepare the final summary and announce the vote.

(13) Subsection 25 of the said section 92 is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 362, s. 92  
(1968, c. 122,  
s. 8),  
subs. 25,  
re-enacted

(25) An election of members of a divisional board except a divisional board of a defined city, shall take place in the year 1968 and in every second year thereafter.

Biennial  
elections

(25a) Where, in a municipality other than a defined city, there is no provision for municipal elections in the year 1968 or in any second year thereafter, the council of the municipality shall provide for the election of members of the divisional board in the year 1968 and in every second year thereafter.

Where no  
municipal  
election in  
any year

(25b) An election of members of a divisional board shall be conducted in the same manner as municipal elections, and

Manner of  
election

(a) the meetings of electors for the nomination of candidates for a divisional board, except a divisional board of a defined city, shall be held on the second Monday preceding the first Monday in December;

(b) the day for polling, except in the case of the election of the members of a divisional board of a defined city, shall be the first Monday in December, and the polls shall be open be-



tween the hours of 10 o'clock in the forenoon and 8 o'clock in the afternoon except that, where a municipal election is held on the same day, the polls shall be open between the same hours as for the municipal election;

- (c) the council of every municipality in which a nomination meeting is to be held shall, before the 1st day of November in the year 1968 and in every second year thereafter, pass a by-law naming the date, time and place at which the nomination meeting shall be held, and the clerk of such municipality shall, within forty-eight hours of the passing of the by-law, notify the returning officer of each municipality concerned who shall advertise the date, time and place of the nomination meeting as provided in section 45 of *The Municipal Act*; and

R.S.O. 1960,  
c. 249

- (d) the council of a municipality may by by-law provide for advance polls, and section 90 of *The Municipal Act* applies *mutatis mutandis*.

Voters'  
list

- (25c) The list of voters to be used in an election of members of a divisional board is,

- (a) the voters' list prepared, revised and certified for use in the municipal election in the year of the election of the divisional board; or
- (b) where no municipal election is to be held in a municipality in the year of the election of the divisional board, the last revised voters' list for the municipality completed in accordance with *The Voters' Lists Act*; or

R.S.O. 1960,  
c. 420

- (c) in territory without municipal organization, the last revised assessment roll, excepting therefrom the names of persons who are not British subjects and of persons who are not of the full age of twenty-one years.

Adding  
names to  
list of  
voters

- (25d) Where, in a municipality in which no municipal election is to be held in the year of the election of the divisional board or in territory without municipal organization, the name of a person has been entered on the last revised assessment roll or has been added to the assessment roll under section 44 of *The Assessment Act, 1968-69*, and the clerk is satisfied that the

1968-69, c. 6



Subsection 14. The amendment includes the advertising of nomination meetings and polls in the costs for which the divisional board is to reimburse the municipality.

person is entitled to have his name entered on the list of voters and his name has not been entered thereon, he may issue a certificate in Form 10 to *The Municipal Act*, authorizing the returning officer or proper deputy returning officer to enter the name of the person on such list.

R.S.O. 1960,  
c. 249

(14) Subsection 28 of the said section 92 is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 362, s. 92  
(1968, c. 122,  
s. 8),  
subs. 28,  
re-enacted

(28) Where the council of a municipality is required to provide for an election of members of a divisional board in a year other than a year in which the election of the members of the council is held, the divisional board shall forthwith after its organization reimburse the treasurer of the municipality for the reasonable expenses incurred by the clerk or any other officer of the municipality for advertising the times and places of nomination meetings and of polls, for printing, for providing ballot boxes, ballot papers, materials for marking ballot papers, and balloting compartments, for the transmission of packets, and for reasonable fees and allowances for services rendered respecting the election of members of the divisional board, excluding the cost of preparing the voters' list.

Expenses  
for certain  
elections to  
be repaid to  
municipality

**12.**—(1) This Act, except sections 5, 6 and 8 and subsection 3 of section 9, comes into force on the day it receives Royal Assent.

Commence-  
ment

(2) Section 5 shall be deemed to have come into force on the 31st day of December, 1969.

Idem

(3) Sections 6 and 8 shall be deemed to have come into force on the 1st day of January, 1970.

Idem

(4) Subsection 3 of section 9 comes into force on the 1st day of January, 1971.

Idem

**13.** This Act may be cited as *The Secondary Schools and Boards of Education Amendment Act, 1970*.

Short title

An Act to amend The Secondary  
Schools and Boards of Education Act

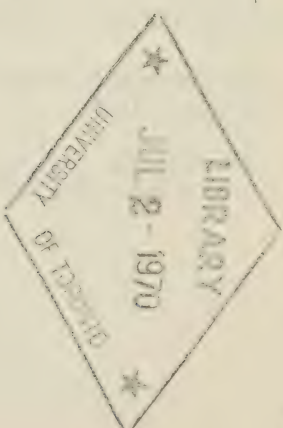
*1st Reading*

June 17th, 1970

*2nd Reading*

*3rd Reading*

Mr. DAVIS





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3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

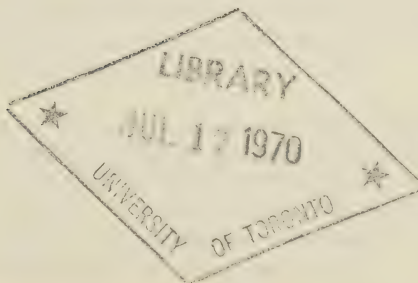
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**An Act to amend  
The Secondary Schools and Boards of Education Act**

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MR. DAVIS

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TORONTO

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BILL 152

1970

**An Act to amend  
The Secondary Schools and Boards of  
Education Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 5 of section 50 of *The Secondary Schools and Boards of Education Act*, as amended by section 20 of *The Secondary Schools and Boards of Education Amendment Act, 1968-69*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 362, s. 50,  
subs. 5,  
re-enacted

- (5) A member of a board of education elected by separate school supporters or appointed by a separate school board is a trustee for secondary school purposes only and shall not vote on matters that affect public schools exclusively, and all other members of a board of education are trustees for public and secondary school purposes.

Members to  
be trustees

**2.** Section 54 of *The Secondary Schools and Boards of Education Act*, as re-enacted by section 23 of *The Secondary Schools and Boards of Education Amendment Act, 1968-69*, is amended by adding thereto the following subsections:

R.S.O. 1960,  
c. 362, s. 54  
(1968-69,  
c. 115, s. 23),  
is amended

- (2) The provisions of section 93 in respect of the qualifications and disqualifications of members of a divisional board of education apply to members of a board of education established under this Part.

Qualification  
and dis-  
qualification

- (3) Notwithstanding subsection 2, a member of a board of education who was elected or appointed prior to the 1st day of January, 1970, shall not be disqualified in respect of his place of residence so long as he maintains the residence qualification required of him at the time of his election or appointment.

Exception

- (4) Subject to subsection 5, where the office of a member of a board of education becomes vacant from any

Filling  
vacancies

cause before the expiration of his term, it shall be filled in the manner provided for filling a vacancy on a divisional board of education.

Filling  
vacancies  
prior to  
next election

- (5) Where, before the election next following the 1st day of January, 1970, a vacancy occurs in the office of a member of a board of education who was appointed by a separate school board, such separate school board shall appoint a member to fill the vacancy, and the person so appointed shall hold the qualifications required of a member of a board of education elected by separate school supporters.

R.S.O. 1960,  
c. 362,  
ss. 56, 58-60,  
repealed

**3.** Section 56, as amended by section 26 of *The Secondary Schools and Boards of Education Amendment Act, 1968-69*, and sections 58, 59 and 60 of *The Secondary Schools and Boards of Education Act* are repealed.

R.S.O. 1960,  
c. 362, s. 81  
(1968, c. 122,  
s. 8), subs. 1,  
cl. e,  
amended

**4.—(1)** Clause *e* of subsection 1 of section 81 of *The Secondary Schools and Boards of Education Act*, as enacted by section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1968*, is amended by adding at the end thereof "and includes an area municipality as defined in *The District Municipality of Muskoka Act, 1970*", so that the clause shall read as follows:

- (e) "district municipality" means a municipality, except a city, in a territorial district, and includes an area municipality as defined in *The District Municipality of Muskoka Act, 1970*.

R.S.O. 1960,  
c. 362, s. 81  
(1968, c. 122,  
s. 8), subs. 1,  
cls. g, i,  
re-enacted

(2) Clauses *g* and *i* of subsection 1 of the said section 81 are repealed and the following substituted therefor:

- (g) "public school elector" in a school division means,
- (i) in a municipality, a person whose name is entered on the last revised voters' list as qualified to vote at the municipal elections of the municipality, but does not appear thereon as a supporter of a separate school for Roman Catholics, and
  - (ii) in territory without municipal organization, a person who is of the full age of twenty-one years and a British subject and whose name is entered on the last revised assessment roll for such territory, except a person who is a Roman Catholic and whose name is entered on such roll as a separate school supporter.

(i) "separate school supporter" in a school division means,

- (i) in a municipality, a person whose name is entered on the last revised voters' list as qualified to vote at the municipal elections of the municipality and appears thereon as a supporter of a separate school for Roman Catholics, and
- (ii) in territory without municipal organization a person who is of the full age of twenty-one years, a British subject and a Roman Catholic and whose name is entered on the last revised assessment roll for such territory as a supporter of separate schools.

5. Subsection 7 of section 84 of *The Secondary Schools and Boards of Education Act*, as enacted by section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1968*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 362, s. 84  
(1968, c. 122,  
s. 8), subs. 7,  
re-enacted

- (7) The decision of a majority of the arbitrators under subsection 3 or 4 shall be made on or before the 31st day of July, 1970 except a decision in respect of a teacher's contract under clause *f* of subsection 2 which shall be made on or before the 1st day of May, 1969, and, subject to subsection 7*b*, every such decision is final. Decision of arbitrators
- (7*a*) A decision under subsection 3 or 4 or an amended decision under subsection 7*b* shall not be implemented before the 1st day of January, 1971, but the provisions of this subsection shall not operate so as to prevent the implementation before the 15th day of June, 1970, of, Implement-  
ation of  
decision
  - (*a*) a decision in respect of a teacher's contract under clause *f* of subsection 2; or
  - (*b*) a decision, other than a decision referred to in clause *a*, that has been implemented in whole or in part before such date.
- (7*b*) Where, subsequent to the decision of the arbitrators referred to in subsection 7, a matter or condition that was not evident at the time the decision was made is brought to the attention of the divisional board before the 30th day of September, 1970, the divisional board, where no part of the decision, other than a Amended  
decision



decision in respect of a teacher's contract under clause *f* of subsection 2, has been implemented before the 15th day of June, 1970, shall, before the 15th day of October, 1970, refer the matter or condition to the arbitrators who shall, prior to the 15th day of November, 1970, make a decision in relation to such matter or condition in accordance with this section, and may amend their former decision accordingly, and the provisions of subsection 6 apply *mutatis mutandis*.

Vacancy in  
arbitrators

- (7c) For the purposes of subsection 7b, where an arbitrator appointed under subsection 3, 4 or 5 is unable for any reason to act, a person qualified in accordance with subsection 3 shall be appointed to fill the vacancy by the board, or by the arbitrators, that appointed the arbitrator who is unable to act.

R.S.O. 1960,  
c. 362, s. 85,  
subs. 1a  
(1968-69,  
c. 115, s. 34,  
subs. 2),  
re-enacted

**6.** Subsection 1a of section 85 of *The Secondary Schools and Boards of Education Act*, as enacted by subsection 2 of section 34 of *The Secondary Schools and Boards of Education Amendment Act, 1968-69*, is repealed and the following substituted therefor:

Where  
estimates  
submitted  
after Mar.  
1st

- (1a) Where, in any year, a divisional board is unable to submit the statement and requisition required under subsection 1 to the council of each municipality in the school division on or before the 1st day of March, the later submission thereof does not relieve the council of its duty under subsection 1 of section 88 to levy and collect the amount required by the divisional board.

Where cost  
of separate  
levy payable  
by divisional  
board

- (1b) Where, in the year 1971 and in any year thereafter, the council of a municipality is required, by reason of receiving the requisition of a divisional board under subsection 1 after the 1st day of March, to levy the amount required by the divisional board by a separate levy from the amount levied for municipal purposes, the divisional board, on the request of the treasurer of the municipality, shall pay to the treasurer the cost of levying the amount required by the divisional board.

R.S.O. 1960,  
c. 362, s. 86,  
subs. 1a  
(1968-69,  
c. 115, s. 35),  
amended

**7.—(1)** Subsection 1a of section 86 of *The Secondary Schools and Boards of Education Act*, as enacted by section 35 of *The Secondary Schools and Boards of Education Amendment Act, 1968-69*, is amended by striking out "on or before the 1st day of March in that year" in the ninth and tenth lines and inserting in lieu thereof "within thirty days after receiving the apportionment from the divisional board", so that the subsection shall read as follows:

- (1a) Where, in any year, territory without municipal organization is included in a school division and property therein is assessed for the first time for the purpose of levying rates and collecting taxes for school purposes, such assessment shall, for the purposes of apportionment of costs for that year under this section, be the assessment on which taxes are levied in that year and a request for arbitration under subsection 10 may be made within thirty days after receiving the apportionment from the divisional board.

Apportionment where unorganized territory becomes part of school division

- (2) Subsection 4 of the said section 86, as enacted by section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1968*, is repealed and the following substituted therefor:

R.S.O. 1960, c. 362, s. 86 (1968, c. 122, s. 8), subs. 4, re-enacted

- (4) Where in respect of any year, the council of a municipality is of the opinion that the apportionment made under subsection 2 or 3 imposes an undue burden on the ratepayers of the municipality or of part thereof, the council may apply to the divisional board, within thirty days after receiving the apportionment from the divisional board, for an arbitration to determine the proportion of the sums required for public school purposes and for secondary school purposes that each municipality or part thereof shall bear in such year.

Request for arbitration

- (3) Subsection 9 of the said section 86 is amended by striking out "a period of three years or until the equalized assessment of a municipality in the school division is increased or decreased by a total of more than 10 per cent since the last decision of the arbitrators" in the fourth, fifth, sixth and seventh lines and inserting in lieu thereof "the year in respect of which the decision is made", so that the subsection shall read as follows:

R.S.O. 1960, c. 362, s. 86 (1968, c. 122, s. 8), subs. 9, amended

- (9) The decision of the arbitrators, or, if the matter is referred to the Ontario Municipal Board, the decision of the Ontario Municipal Board, is effective for the year in respect of which the decision is made.

Effect of decision

- (4) Subsection 10 of the said section 86 is repealed and the following substituted therefor:

R.S.O. 1960, c. 362, s. 86 (1968, c. 122, s. 8), subs. 10, re-enacted

- (10) In territory without municipal organization that is deemed to be a district municipality in a school division, five ratepayers resident in such district municipality have the same powers as the council

Territory without municipal organization

of a municipality under subsections 4 and 8 and may appoint one ratepayer to act as treasurer for the purposes of this section and, where any disagreement arises in respect of such appointed treasurer, the secretary of the divisional board shall designate the person so to act.

R.S.O. 1960, c. 362, s. 86 (1968, c. 122, s. 8), amended (5) The said section 86 is amended by adding thereto the following subsection:

Adjustment  
as result of  
arbitration

- (11) Where in respect of any year a municipality in a school division has, under section 88, levied the amounts that were requisitioned by the divisional board and such amounts are altered by a decision of the arbitrators or by a decision of the Ontario Municipal Board, an overpayment or an underpayment in respect of the municipality or part, resulting from such alteration, shall be adjusted in the levy for the following year.

R.S.O. 1960, c. 362, s. 87a (1968-69, c. 115, s. 38), subs. 6, re-enacted 8. Subsection 6 of section 87a of *The Secondary Schools and Boards of Education Act*, as enacted by section 38 of *The Secondary Schools and Boards of Education Amendment Act, 1968-69*, is repealed and the following substituted therefor:

Request for  
arbitration

- (6) Where the council of a municipality is of the opinion that the apportionment made under this section imposes an undue burden on the ratepayers of the municipality or part, the council may apply to the divisional board, within thirty days after receiving such apportionment from the divisional board, for an arbitration to determine the proportion of the sums required for public school purposes and for secondary school purposes that each municipality shall raise in respect of the year for which the request for an arbitration is made, and the provisions of subsections 6 to 11 of section 86 apply *mutatis mutandis*.

R.S.O. 1960, c. 362, s. 88, subs. 1a, 1b (1968-69, c. 115, s. 39, subs. 2), repealed 9.—(1) Subsections 1a and 1b of section 88 of *The Secondary Schools and Boards of Education Act*, as enacted by subsection 2 of section 39 of *The Secondary Schools and Boards of Education Amendment Act, 1968-69*, are repealed.

R.S.O. 1960, c. 362, s. 88 (1968, c. 122, s. 8), amended (2) The said section 88, as enacted by section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1968* and amended by section 39 of *The Secondary Schools and Boards of Education Amendment Act, 1968-69*, is further amended by adding thereto the following subsections:



- (1e) Where an agreement under subsection 1d does not <sup>Termination of agreement</sup> provide for its termination, it shall continue in force from year to year until it is terminated on the 31st day of December in any year by notice given before the 31st day of October in such year,

(a) by the secretary of the divisional board as authorized by a resolution of the divisional board; or

(b) by the clerks of the majority of the municipalities which represent at least two-thirds of the equalized assessment in the school division,

and where no agreement is in effect under subsection 1d, the payments shall be made as provided in subsection 1c.

- (1f) Where in the year 1970 the requisition under sub- <sup>Where in 1970, requisition received after March 1st</sup> section 1 of section 85 is not submitted to the council of a municipality on or before the 1st day of March, an instalment of the amounts required to be paid by the municipality for public school purposes and for secondary school purposes shall be due and payable,

(a) thirty days after the date upon which the requisition is submitted;

(b) thirty days after the date upon which this section comes into force; or

(c) on the due date of the instalment under subsection 1c or under an agreement made under subsection 1d,

whichever is the latest.

- (3) The said section 88 is further amended by adding thereto <sup>R.S.O. 1960, c. 362, s. 88 (1968, c. 122, s. 8), amended</sup> the following subsection:

- (1g) Where in any year, for any reason, the amounts <sup>Where instalment due before requisition received</sup> required to be raised under subsection 1 have not been requisitioned before the date upon which an instalment is due, the amount of the instalment shall be based upon the requisition of the previous year and paid on the due date, and in the case of late payment or prepayment of all or part of such instalment the interest or discount under subsection 1c

shall apply thereto, and the necessary adjustment shall be made in the instalment due next following the date upon which the requisition of the divisional board is received.

R.S.O. 1960,  
c. 362, s. 91  
(1968, c. 122,  
s. 8), subs. 3,  
re-enacted

**10.** Subsection 3 of section 91 of *The Secondary Schools and Boards of Education Act*, as enacted by section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1968*, is repealed and the following substituted therefor:

Election of  
members by  
separate  
school  
supporters  
in defined  
city

- (3) The members to be elected under subsection 2 shall be elected as provided in subsection 16 of section 92, which subsection applies *mutatis mutandis*, and otherwise in the same manner as the members under subsection 1.

R.S.O. 1960,  
c. 362, s. 92  
(1968, c. 122,  
s. 8), subs. 7,  
re-enacted

**11.—(1)** Subsection 7 of section 92 of *The Secondary Schools and Boards of Education Act*, as enacted by section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1968*, is repealed and the following substituted therefor:

When deter-  
mination to  
be made  
under  
subss. 4-6

- (7) Before the 1st day of September in the year in which an election is to be held, a determination shall be made,

(a) under subsections 4, 5 and 6 if it is determined under subsection 3 that the number of members of the divisional board should be increased or decreased or if one or more municipalities are attached to or detached from the school division under subsection 1 of section 99 effective the 1st day of January next following the election;

(b) under subsection 6 if,

- (i) the boundaries of one or more cities within the school division have been altered or a new city has been erected in the school division subsequent to the latest determination made under subsection 6 that did not take into account the altered boundaries or the new city, or
- (ii) the boundaries of one or more cities within the school division are to be altered or a new city is to be erected effective on the 1st day of January of the year next following the election; and



- (c) under subsections 4, 5 and 6 in every fourth year following the latest determination under subsections 4 and 5,

and a determination made under subsection 4, 5 or 6 is effective until a new determination is required in accordance with this subsection.

(2) Subsection 9 of the said section 92 is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 362, s. 92  
(1968, c. 122  
s. 8), subs. 9,  
re-enacted

(9) With respect to,

Distribution  
of membersto  
be elected by  
public school  
electors in  
county or  
district  
municipi-  
palities

- (a) the county municipalities, except those in a regional municipality that are in a school division, the council of the county;
- (b) the county municipalities, in a regional municipality that are in a school division, the clerks of the three county municipalities having successively the greatest residential and farm assessment for public school purposes in the school division according to the last revised assessment roll as adjusted by the application of the equalization factor based on such assessment provided by the Department of Municipal Affairs; and
- (c) the district municipalities in a school division, the clerks of the three organized district municipalities having successively the greatest residential and farm assessment for public school purposes in the school division according to the last revised assessment roll as adjusted by the application of the equalization factor based on such assessment provided by the Department of Municipal Affairs, and the clerk of each town or village in which a high school is located in the school division, and, where there are fewer than three organized district municipalities in the school division, the clerks of all such municipalities,

shall determine the municipality or municipalities to be represented by each member to be elected in the school division by the public school electors under clause *b* of subsection 6, but in no case shall the determination provide for a member to be elected by a general vote of all the public school

electors of the municipalities other than cities in the school division, and such determination is effective for a period of four years or until the number of members for the school division is increased or decreased under subsection 3 or the boundaries of one or more county or district municipalities within the school division are altered or are to be altered effective the 1st day of January next following the election.

When determination to be made

(9a) Before the 1st day of September in each year in which an election is to be held, the determination under subsection 9 shall be made if,

(a) a determination is made in accordance with subsection 7;

(b) the boundaries of one or more county or district municipalities have been altered subsequent to the latest determination under subsection 9, or are to be altered effective the 1st day of January next following the election; or

(c) the boundaries of the school division are altered, or are to be altered under subsection 2 of section 82 effective the 1st day of January next following the election.

Where judge to make determination

(9b) Where the determination is not made before the 1st day of September, the clerk of the county municipality or of the organized district municipality having the greatest residential and farm assessment for public school purposes in the school division according to the last revised assessment roll as adjusted by the application of the equalization factor based on such assessment provided by the Department of Municipal Affairs, as the case may be, shall refer the matter to the judge who shall make the determination before the 1st day of October in accordance with subsection 10.

R.S.O. 1960, c. 362, s. 92 (1968, c. 122, s. 8), subs. 10, amended

(3) Subsection 10 of the said section 92 is amended by inserting after "municipalities" in the tenth line "or the clerks of the county municipalities in a school division in a regional municipality".

R.S.O. 1960, c. 362, s. 92 (1968, c. 122, s. 8), subs. 11, re-enacted

(4) Subsection 11 of the said section 92 is repealed and the following substituted therefor:

- (11) Where the determination made under subsection 9 <sup>Appeal from  
deter-  
mination</sup> allots to a municipality or to a combination of municipalities a percentage of the total number of members to be elected by the public school electors of all the county or district municipalities in the school division that differs by more than five percentage points from the percentage that the equalized residential and farm assessment of the property rateable for public school purposes in the municipality or combination of municipalities is of the total equalized residential and farm assessment of the property rateable for public school purposes in all the county or district municipalities in the school division, the council of the municipality or the council of any one of such combination of municipalities, as the case may be, may, within fifteen days after notice of the determination has been sent, appeal the determination to the county or district judge who shall either reapportion the number of members in accordance with subsection 10 or, where he determines that the determination was made in accordance with subsection 10, confirm the determination, and his decision is final.

R.S.O. 1960,  
c. 362, s. 92  
(1968, c. 122,  
s. 8),  
subs. 12,  
re-enacted;  
subs. 13,  
repealed

- (5) Subsections 12 and 13 of the said section 92 are repealed and the following substituted therefor:

- (12) The clerk of each city and of each county or district municipality in a school division and the secretary of the divisional board shall provide to the persons required to make a determination under this section, on their request, the information required for such purpose.

Information  
for deter-  
minations

- (6) Subsection 14 of the said section 92 is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 362, s. 92  
(1968, c. 122,  
s. 8),  
subs. 14,  
re-enacted

- (14) The clerk of the county and the clerk of the organized district municipality or of the county municipality in a school division in a regional municipality having the greatest residential and farm assessment for public school purposes in the school division according to the last revised assessment roll as adjusted by the application of the equalization factor, based on such assessment, provided by the Department of Municipal Affairs, shall,

By whom  
deter-  
mination to  
be made

- (a) make the determinations required under subsections 4, 5, 6 and 19 with respect to a school division in a county or a regional municipi-

pality or in territory without municipal organization, as the case may be; and

(b) send by registered mail to the clerk of each city and of each county or district municipality in the school division and to the secretary of the divisional board,

(i) before the 1st day of September in each year in which it is determined under subsection 3 that the number of members of the divisional board should be increased or decreased or in which a determination is made under subsection 9 or 19, a copy of each of the determinations made under subsections 4, 5, 6, 9 and 19, and

(ii) before the 1st day of October in each year in which a determination is made by the judge under subsection 9b or 19, a copy of the determination.

R.S.O. 1960  
c. 362, s. 92  
(1968, c. 122,  
s. 8),  
subs. 15,  
amended

(7) Subsection 15 of the said section 92 is amended by inserting after "the" where it occurs the fourth time in the eighth line "county or".

R.S.O. 1960,  
c. 362, s. 92  
(1968, c. 122,  
s. 8),  
amended

(8) The said section 92 is amended by adding thereto the following subsection:

New deter-  
mination  
where  
former  
deter-  
mination  
improper

(15a) Where the council of a municipality or a divisional board on behalf of any territory without municipal organization that is deemed a district municipality, after the period allowed for an appeal under this section and notwithstanding a decision made in respect of such appeal, is of the opinion that the composition of the board of a school division was not determined in accordance with the provisions of this section, the council or the board may, before the 1st day of May in the year of the next following election, apply to the judge to have the determination set aside and, where the judge finds that the determination was not made in accordance with the provisions of this section, he shall order a new determination to be made, and the determination so made, subject to an appeal under subsection 11 or subsection 15, shall apply to the election next following such determination, and the divisional



board in respect of which the application to the judge is made shall be deemed to have been properly constituted notwithstanding any defect in its composition.

- (15b) Notwithstanding the date referred to in subsection 15a, an application to the judge under such subsection in the year 1970 may be made on or before the 15th day of July. New determination in 1970

(9) Subsection 16 of the said section 92 is amended by striking out "passed before the 1st day of November in the year of the election" in the tenth and eleventh lines. R.S.O. 1960, c. 362, s. 92 (1968, c. 122, s. 8), subs. 16, amended

(10) The said section 92 is further amended by adding thereto the following subsection: R.S.O. 1960, c. 362, s. 92 (1968, c. 122, s. 8), amended

(16a) A by-law for the purpose mentioned in subsection 16 and a by-law repealing any such by-law shall not be passed later than the 1st day of November in the year of the election and shall take effect for the purpose of the election next after the passing of the by-law and remains in force until repealed. Time for passing by-law

(11) Clauses *a* and *b* of subsection 17 of the said section 92 are repealed and the following substituted therefor: R.S.O. 1960, c. 362, s. 92 (1968, c. 122, s. 8), subs. 17, cls. a, b, re-enacted

(a) the nominations for such members shall be conducted by the returning officer of the municipality having the greatest equalized residential and farm assessment for public school purposes in the combined area, who shall send to the clerk of each municipality concerned, by registered mail within forty-eight hours after the closing of nominations, the names of the candidates who have qualified; and

(b) the clerk of each municipality shall be the returning officer for the vote to be recorded in his municipality and he shall report forthwith the vote recorded to the returning officer referred to in clause *a*, who shall prepare the final summary and announce the vote.

(12) Subsections 18, 19, 20 and 21 of the said section 92 are repealed and the following substituted therefor: R.S.O. 1960, c. 362, s. 92 (1968, c. 122, s. 8), subss. 18-21, re-enacted

(18) Where a school division includes county or district municipalities and one or more cities, and the number of members to be elected by the separate school supporters under subsection 5 exceeds one, the number of members to be elected by the separate Number of members to be elected by separate school supporters in cities and county or district municipalities



school supporters of each city and of the county or district municipalities shall be determined in accordance with subsections 6, 7 and 8, which subsections apply *mutatis mutandis*, except that the equalized residential and farm assessment of the separate school supporters shall be used in the determinations.

Distribution  
of members  
to be elected  
by separate  
school  
supporters

- (19) Where it is determined under subsection 5 or 18 that the number of members to be elected by the separate school supporters of the county or district municipalities in the school division exceeds one, the county or district municipalities to be represented by each such member shall be determined in accordance with subsections 9, 9a, 9b, 10 and 11, which subsections apply *mutatis mutandis*, except that,

- (a) the equalized residential and farm assessments of the separate school supporters shall be used in all the determinations; and
- (b) the reference in subsection 9 to the clerk of a town or village in which a high school is located in the school division shall be deemed to refer only to a town or village that is a separate school zone.

Election of  
members by  
separate  
school  
supporters

- (20) Where the number of members,

- (a) determined under subsection 5, is one, such member shall be elected by a general vote of the separate school supporters of the school division; or
- (b) to be elected by the separate school supporters of the county or district municipalities under subsection 18 is one, such member shall be elected by a general vote of the separate school supporters of the county or district municipalities in the school division.

Idem

- (21) Where,

- (a) one member is to be elected by a general vote of the separate school supporters of a school division or of the separate school supporters of the county or district municipalities in a school division; or
- (b) two or more municipalities are combined for the purposes of the election of one or more members by the separate school supporters,

then,

- (c) the nominations for such member or members shall be conducted by the returning officer of the municipality having the greatest equalized residential and farm assessment for separate school purposes in the school division, in the county or district municipalities in the school division or in the combined area, as the case may be, who shall send to the clerk of each municipality concerned, by registered mail within forty-eight hours after the closing of nominations, the names of the candidates who have qualified; and
- (d) the clerk of each municipality shall be the returning officer for the vote to be recorded in his municipality and he shall report forthwith the vote recorded to the returning officer referred to in clause c, who shall prepare the final summary and announce the vote.

(13) Subsection 25 of the said section 92 is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 362, s. 92  
(1968, c. 122,  
s. 8),  
subs. 25,  
re-enacted

(25) An election of members of a divisional board except a divisional board of a defined city, shall take place in the year 1968 and in every second year thereafter.

Biennial  
elections

(25a) Where, in a municipality other than a defined city, there is no provision for municipal elections in the year 1968 or in any second year thereafter, the council of the municipality shall provide for the election of members of the divisional board in the year 1968 and in every second year thereafter.

Where no  
municipal  
election in  
any year

(25b) An election of members of a divisional board shall be conducted in the same manner as municipal elections, and

Manner of  
election

- (a) the meetings of electors for the nomination of candidates for a divisional board, except a divisional board of a defined city, shall be held on the second Monday preceding the first Monday in December;
- (b) the day for polling, except in the case of the election of the members of a divisional board of a defined city, shall be the first Monday in December, and the polls shall be open be-

tween the hours of 10 o'clock in the forenoon and 8 o'clock in the afternoon except that, where a municipal election is held on the same day, the polls shall be open between the same hours as for the municipal election;

- (c) the council of every municipality in which a nomination meeting is to be held shall, before the 1st day of November in the year 1968 and in every second year thereafter, pass a by-law naming the date, time and place at which the nomination meeting shall be held, and the clerk of such municipality shall, within forty-eight hours of the passing of the by-law, notify the returning officer of each municipality concerned who shall advertise the date, time and place of the nomination meeting as provided in section 45 of *The Municipal Act*; and

R.S.O. 1960,  
c. 249

- (d) the council of a municipality may by by-law provide for advance polls, and section 90 of *The Municipal Act* applies *mutatis mutandis*.

Voters'  
list

- (25c) The list of voters to be used in an election of members of a divisional board is,

- (a) the voters' list prepared, revised and certified for use in the municipal election in the year of the election of the divisional board; or

- (b) where no municipal election is to be held in a municipality in the year of the election of the divisional board, the last revised voters' list for the municipality completed in accordance with *The Voters' Lists Act*; or

R.S.O. 1960,  
c. 420

- (c) in territory without municipal organization, the last revised assessment roll, excepting therefrom the names of persons who are not British subjects and of persons who are not of the full age of twenty-one years.

Adding  
names to  
list of  
voters

- (25d) Where, in a municipality in which no municipal election is to be held in the year of the election of the divisional board or in territory without municipal organization, the name of a person has been entered on the last revised assessment roll or has been added to the assessment roll under section 44 of *The Assessment Act, 1968-69*, and the clerk is satisfied that the

1968-69, c. 6

person is entitled to have his name entered on the list of voters and his name has not been entered thereon, he may issue a certificate in Form 10 to *The Municipal Act*, authorizing the returning officer or proper deputy returning officer to enter the name of the person on such list. R.S.O. 1960,  
c. 249

(14) Subsection 28 of the said section 92 is repealed and the following substituted therefor: R.S.O. 1960,  
c. 362, s. 92  
(1968, c. 122,  
s. 8),  
subs. 28,  
re-enacted

(28) Where the council of a municipality is required to provide for an election of members of a divisional board in a year other than a year in which the election of the members of the council is held, the divisional board shall forthwith after its organization reimburse the treasurer of the municipality for the reasonable expenses incurred by the clerk or any other officer of the municipality for advertising the times and places of nomination meetings and of polls, for printing, for providing ballot boxes, ballot papers, materials for marking ballot papers, and balloting compartments, for the transmission of packets, and for reasonable fees and allowances for services rendered respecting the election of members of the divisional board, excluding the cost of preparing the voters' list. Expenses  
for certain  
elections to  
be repaid to  
municipality

**12.**—(1) This Act, except sections 5, 6 and 8 and subsection 3 of section 9, comes into force on the day it receives Royal Assent. Commence-  
ment

(2) Section 5 shall be deemed to have come into force on the 31st day of December, 1969. Idem

(3) Sections 6 and 8 shall be deemed to have come into force on the 1st day of January, 1970. Idem

(4) Subsection 3 of section 9 comes into force on the 1st day of January, 1971. Idem

**13.** This Act may be cited as *The Secondary Schools and Boards of Education Amendment Act, 1970*. Short title

An Act to amend The Secondary  
Schools and Boards of Education Act

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*1st Reading*

June 17th, 1970

*2nd Reading*

June 25th, 1970

*3rd Reading*

June 25th, 1970

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MR. DAVIS

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3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

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**An Act to amend The Separate Schools Act**

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MR. DAVIS

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TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### EXPLANATORY NOTES

SECTION 1. The subsection is revised to refer to courses that are not readily accessible as well as courses that are not available in a separate school under the jurisdiction of the separate school board.

SECTION 2. The definition of county municipality is amended to refer to municipalities in a regional municipality.

The definition of district municipality is amended to include area municipalities in The District Municipality of Muskoka.

The definition of separate school supporter is revised for the purpose of clarification in relation to territory without municipal organization.

## An Act to amend The Separate Schools Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 12a of section 22 of *The Separate Schools Act*, as enacted by section 2 of *The Separate Schools Amendment Act, 1964* and amended by section 2 of *The Separate Schools Amendment Act, 1966* and subsection 2 of section 2 of *The Separate Schools Amendment Act, 1968*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 368, s. 22,  
subs. 12a  
(1964, c. 108,  
s. 2),  
re-enacted

(12a) A separate school board and a public school board may enter into an agreement in respect of the provision of education in a school under the jurisdiction of the public school board for pupils of the separate school board in a course or courses that are not available in a school under the jurisdiction of the separate school board, or that are considered by the separate school board to be not readily accessible to the pupils in respect of whom the agreement is made where,

Agreements  
for edu-  
cation of  
separate  
school pupils  
in public  
school

(a) the appropriate supervisory officer of the public school board certifies that accommodation is available in such school for such pupils; and

(b) the separate school board pays a fee for each such pupil calculated in accordance with section 100a of *The Schools Administration Act*.

R.S.O. 1960,  
c. 361

2. Clauses e, h and j of subsection 1 of section 74 of *The Separate Schools Act*, as enacted by section 6 of *The Separate Schools Amendment Act, 1968*, are repealed and the following substituted therefor:

R.S.O. 1960,  
c. 368, s. 74  
(1968, c. 125,  
s. 6), subs. 1,  
cls. e, h, j,  
re-enacted

(e) "county municipality" means a municipality that forms part of a county for municipal purposes and

includes a municipality, other than a city, that forms part of a regional municipality;

1970, c. ...

(h) "district municipality" means a municipality, except a city, in a territorial district, and includes an area municipality as defined in *The District Municipality of Muskoka Act, 1970*;

(j) "separate school supporter" in a combined separate school zone means,

(i) in a municipality, a person whose name is entered on the last revised voters' list as qualified to vote at the municipal elections of the municipality and appears thereon as a supporter of a separate school, and

(ii) in territory without municipal organization, a person who is of the full age of twenty-one years, a British subject and a Roman Catholic and whose name is entered on the last revised assessment roll for such territory as a supporter of a separate school.

R.S.O. 1960,  
c. 368, s. 80,  
(1968, c. 125,  
s. 6), subs. 6,  
re-enacted

**3.** Subsection 6 of section 80 of *The Separate Schools Act*, as enacted by section 6 of *The Separate Schools Amendment Act, 1968*, is repealed and the following substituted therefor:

Decision of  
arbitrators

(6) The decision of a majority of the arbitrators under subsection 2 or 3 shall be made on or before the 31st day of July, 1970, except a decision in respect of a teacher's contract under clause *f* of subsection 1 which shall be made on or before the 1st day of May, 1969, and, subject to subsection 6*b*, every such decision is final.

Implemen-  
tation of  
decision

(6*a*) A decision under subsection 2 or 3 or an amended decision under subsection 6*b* shall not be implemented before the 1st day of January, 1971, but the provisions of this subsection shall not operate so as to prevent the implementation before the 15th day of June, 1970, of,

(*a*) a decision in respect of a teacher's contract under clause *f* of subsection 1; or

(*b*) a decision, other than a decision referred to in clause *a*, that has been implemented in whole or in part before such date.

SECTION 3. The new subsections authorize the arbitrators to amend their decision where new evidence has come to the attention of the board, and the time for making decisions and implementation thereof has been extended.



SECTION 4: Provision is made for payment by instalments of the amounts required to be raised by a municipality for separate school purposes on the same basis as for amounts raised for divisional boards of education.

(6b) Where, subsequent to the decision of the arbitrators referred to in subsection 6, a matter or condition that was not evident at the time the decision was made is brought to the attention of the county or district combined separate school board before the 30th day of September, 1970, the county or district combined separate school board, where no part of the decision, other than a decision in respect of a teacher's contract under clause f of subsection 1, has been implemented before the 15th day of June, 1970, shall, before the 15th day of October, 1970, refer the matter or condition to the arbitrators who shall, prior to the 15th day of November, 1970, make a decision in relation to such matter or condition in accordance with this section, and may amend their former decision accordingly, and the provisions of subsection 5 apply *mutatis mutandis*. <sup>Amended decision</sup>

(6c) For the purposes of subsection 6b, where an arbitrator appointed under subsection 2, 3 or 4 is unable for any reason to act, a person qualified in accordance with subsection 2 shall be appointed to fill the vacancy by the board, or by the arbitrators, that appointed the arbitrator who is unable to act. <sup>Vacancy in arbitrators</sup>

4. Section 81 of *The Separate Schools Act*, as enacted by R.S.O. 1960, c. 368, s. 81, section 6 of *The Separate Schools Amendment Act, 1968*, is <sup>(1968, c. 125, s. 6), subs. 6, re-enacted</sup> amended by adding thereto the following subsections:

(2) Where the council of a municipality all or part of which is in a county or district combined separate school zone, levies and collects the rates and taxes imposed by the county or district combined separate school board, the council shall, subject to subsections 3 and 5, pay to such board the sums required to be raised by the municipality in the following instalments: <sup>Payment of rates to boards</sup>

1. 25 per cent of such amounts on the 31st day of March;
2. 25 per cent of such amounts on the 30th day of June;
3. 25 per cent of such amounts on the 30th day of September;
4. 25 per cent of such amounts on the 15th day of December,

and in case of non-payment of such instalment or any portion thereof on such dates, the municipality so in default shall pay to the board interest thereon from the day of default to the date that the payment is made at the minimum lending rate of the majority of chartered banks on the day of default and where, with the consent of the board, such instalments or any portion thereof are paid in advance of such dates, the board shall allow to the municipality a discount thereon from the date of payment to the date upon which the payment is due at the minimum lending rate of the majority of chartered banks on the date of payment.

#### Agreements

- (3) Where a county or district combined separate school board has requested the municipalities that are in whole or in part within the county or district combined separate school zone to levy and collect the rates or taxes imposed by the board, the board may, by agreement with a majority of the municipalities in which it has jurisdiction, where such municipalities represent at least two-thirds of the assessment of the property in the combined zone rateable for separate school purposes as equalized in accordance with subsection 1 of section 59*b*, provide for any number of instalments and amounts and due dates thereof other than those provided in subsection 2, which shall be applicable to every municipality all or part of which is within the combined zone, and otherwise subsection 2 applies *mutatis mutandis*.

#### Termination of agreement

- (4) Where an agreement under subsection 3 does not provide for its termination, it shall continue in force from year to year until it is terminated on the 31st day of December in any year by notice given before the 31st day of October in such year,
  - (a) by the secretary of the county or district combined separate school board as authorized by a resolution of the board; or
  - (b) by the clerks of the majority of the municipalities which represent at least two-thirds of the assessment of the property in the combined zone rateable for separate school purposes as equalized in accordance with subsection 1 of section 59*b*,

and where no agreement is in effect under subsection 3, the payments shall be made as provided in subsection 2.



SECTION 5—Subsection 1. The amendment provides for a determination of the number of members to be elected where the boundaries of a city are altered or a new city erected.



- (5) Where in any year a municipality is required to levy and collect the rates or taxes imposed by a county or district combined separate school board, and, for any reason, the rates to be levied have not been submitted to the council of the municipality before the date upon which an instalment is due, the amount of the instalment shall be based upon the rates submitted in the previous year and paid on the due date, and in the case of late payment or prepayment of all or part of such instalment, the interest or discount under subsection 2 shall apply thereto, and the necessary adjustment shall be made in the instalment due next following the date upon which the rates are received.

Where instalment due before rates to be levied submitted to council

**5.**—(1) Subsection 5 of section 84 of *The Separate Schools Act* is repealed and the following substituted therefor:

R.S.O. 1960, c. 368, s. 84 (1968, c. 125, s. 6), subs. 5, re-enacted

- (5) The clerk of the county municipality or the clerk of the organized district municipality, as the case may be, or where there is no organized district municipality in the district combined separate school zone, the clerk of the city, having the greatest equalized residential and farm assessment for separate school purposes in a county or district combined separate school zone, shall make the determination required under subsection 4, and shall, before the 1st day of September in the year of the determination, send by registered mail to the clerk of each city and of each county or district municipality in the combined separate school zone and to the secretary of the county or district combined separate school board, a copy of the determination.
- (5a) Before the 1st day of September in the year in which an election is to be held, a determination shall be made under subsection 4,

Determination under subs. 4, who to make

When determination to be made

- (a) if it is determined under subsection 3 that the number of members of the county or district combined separate school board should be increased or decreased or if the boundaries of the county or district combined separate school zone have been altered, or are to be altered under subsection 2 of section 75, effective the 1st day of January next following the election;
- (b) if,
- (i) the boundaries of one or more cities within the county or district combined

separate school zone have been altered or a new city has been erected in the county or district combined separate school zone subsequent to the latest determination made under subsection 4 that did not take into account the altered boundaries or the new city, or

- (ii) the boundaries of one or more cities within the county or district combined separate school zone are to be altered or a new city is to be erected effective the 1st day of January of the year next following the election; and

(c) in every fourth year following the latest determination under subsection 4,

and, subject to subsection 13, a determination made under subsection 4 is effective until a new determination is required in accordance with this subsection.

R.S.O. 1960,  
c. 368, s. 84  
(1963, c. 125,  
s. 6), subs. 7,  
re-enacted

(2) Subsection 7 of the said section 84 is repealed and the following substituted therefor:

Distribution  
of trustees  
to be elected  
in county or  
district  
municipalities in  
combined  
zone

- (7) With respect to the county municipalities in a county combined separate school zone and the district municipalities in a district combined separate school zone, the clerks of the three county municipalities or the clerks of the three organized district municipalities, as the case may be, having successively the greatest equalized residential and farm assessment for separate school purposes in the combined separate school zone, and where there are fewer than three organized district municipalities in the district combined separate school zone, the clerks of all such municipalities, shall determine, before the 1st day of September in each year in which,

(a) a determination is made in accordance with subsection 5a; or

(b) an election is to be held and the boundaries of one or more county or district municipalities have been altered subsequent to the latest determination under this subsection, or are to be altered effective on or before the 1st day of January next following the election,

Subsection 2. Subsection 7 is revised as complementary to the revision of subsection 5.

Subsection 3. The amendment is to clarify the powers of the judge on appeal.

the county or district municipality or municipalities to be represented by each trustee to be elected in the county or district municipalities in the combined separate school zone, but in no case where two or more trustees are to be elected in the county or district municipalities shall the determination provide for a trustee to be elected by a general vote of all the separate school supporters of the county or district municipalities, and such determination is effective until a new determination is required under this subsection.

- (7a) Where the determination under subsection 7 is not made before the 1st day of September, the clerk of the county municipality or of the district municipality, as the case may be, having the greatest equalized residential and farm assessment for separate school purposes in the combined separate school zone, shall refer the matter to the judge, who shall make the determination before the 1st day of October in accordance with subsection 9, and his decision is final. <sup>Where judge to make determination</sup>

(3) Subsection 10 of the said section 84 is amended by inserting after "or" in the twenty-second line "where he determines that the determination was made in accordance with subsection 9", so that the subsection shall read as follows: <sup>R.S.O. 1960, c. 368, s. 84 (1968, c. 125, s. 6), subs. 10, amended</sup>

- (10) Where the determination made by the clerks of the county or district municipalities under subsection 7 allots to a municipality or to a combination of municipalities a percentage of the total number of trustees to be elected by the separate school supporters of all the county or district municipalities in the combined separate school zone that differs by more than five percentage points from the percentage that the equalized residential and farm assessment of the property rateable for separate school purposes in the part of such zone in the municipality or combination of municipalities is of the total equalized residential and farm assessment of the property rateable for separate school purposes in the whole of such zone, the council of the municipality or the council of any municipality in such combination of municipalities, as the case may be, may, within fifteen days after notice of the determination has been mailed, appeal the determination to the county or district judge who, before the 1st day of October, shall either re-apportion the number of trustees in accordance with <sup>Appeal from determination</sup>



subsection 9 or, where he determines that the determination was made in accordance with subsection 9, confirm the determination, and his decision is final.

R.S.O. 1960, c. 368, s. 84 (1968, c. 125, s. 6), subs. 12, cl. b, amended (4) Clause *b* of subsection 12 of the said section 84 is amended by striking out "7" in the third line and inserting in lieu thereof "7a", so that the clause shall read as follows:

(b) before the 1st day of October in each year in which a determination is made by the judge under subsection 7a or 10, a copy of the determination.

R.S.O. 1960, c. 368, s. 84 (1968, c. 125, s. 6), amended (5) The said section 84, as amended by section 8 of *The Separate Schools Amendment Act, 1968-69*, is further amended by adding thereto the following subsections:

New determination where former determination improper

(13a) Where the council of a municipality, or a county or district combined separate school board on behalf of any territory without municipal organization that is deemed a district municipality, after the period for an appeal under this section, and notwithstanding a decision made in respect of such appeal, is of the opinion that the composition of the board of a combined separate school zone was not determined in accordance with the provisions of this section, the council or the board may, before the 1st day of May in the year of the next following election, apply to the judge to have the determination set aside and, where the judge finds that the determination was not made in accordance with the provisions of this section, he shall order a new determination to be made, and the determination so made, subject to an appeal under subsection 10 or subsection 13, shall apply to the election next following such determination, and the board in respect of which the application to the judge is made shall be deemed to have been properly constituted notwithstanding any defect in its composition.

New determination in 1970

(13b) Notwithstanding the date referred to in subsection 13a, an application to the judge under such subsection in the year 1970 may be made on or before the 15th day of July.

R.S.O. 1960, c. 368, s. 84 (1968, c. 125, s. 6), subs. 14, re-enacted

(6) Subsection 14 of the said section 84 is repealed and the following substituted therefor:

Where election by general vote and where by areas

(14) The number of trustees of a county or district combined separate school board to be elected in a municipality shall be elected by a general vote of the

Subsection 4. The reference in this clause is corrected in accordance with the re-enactment of subsection 7.

Subsection 5. The new subsections provide for a new determination to be effective in the second year following an election where the county or district separate school board was not constituted in accordance with section 84.

Subsection 6. The amendment provides that a by-law dividing a municipality into areas for election purposes shall be passed not later than the 1st day of November in the year of the election and shall remain in force until repealed.

Subsection 7. The amendment provides for the sending of the names of the candidates to each municipal clerk in the combined area.

Subsection 8. The clause is amended to refer to the returning officer who conducted the nominations.

Subsection 9. Subsections 17, 18, 19 and 20 are revised for clarification and to provide for a list of voters in all cases.

separate school supporters of such board in the municipality, provided that, where it is determined under this section that the number of trustees to be elected to the board by the separate school supporters in the municipality is two or more, the council of the municipality may, by by-law, divide the municipality into two or more areas and provide for the election of one or more of such trustees by the separate school supporters in each of such areas.

- (14a) A by-law for the purpose mentioned in subsection 14 and a by-law repealing any such by-law shall not be passed later than the 1st day of November in the year of the election and shall take effect for the purpose of the election next after the passing of the by-law and remains in force until repealed.

(7) Clause *a* of subsection 15 of the said section 84 is amended by inserting after "area" in the fifth line "who shall send to the clerk of each municipality concerned by registered mail within forty-eight hours after the closing of nominations the names of the candidates who have qualified", so that the clause shall read as follows:

- (a) the nominations for such trustees shall be conducted by the returning officer of the municipality having the greatest equalized residential and farm assessment for the purposes of such board in the combined area, who shall send to the clerk of each municipality concerned by registered mail within forty-eight hours after the closing of nominations the names of the candidates who have qualified; and

(8) Clause *b* of subsection 15 of the said section 84 is amended by striking out "clerk of the municipality in which the nominations were held" in the fourth and fifth lines and inserting in lieu thereof "returning officer referred to in clause *a*", so that the clause shall read as follows:

- (b) the clerk of each municipality shall be the returning officer for the vote to be recorded in his municipality and he shall report forthwith the vote recorded to the returning officer referred to in clause *a*, who shall prepare the final summary and announce the vote.

(9) Subsections 17, 18, 19 and 20 of the said section 84 are repealed and the following substituted therefor:

Biennial  
elections

- (17) The trustees of a county or district combined separate school board shall be elected for a term of two years and the election of such trustees shall take place in the year 1968 and in every second year thereafter.

Where no  
municipal  
election  
in any year

- (18) Where in a municipality there is no provision for municipal elections in the year 1968 or in any second year thereafter, the council of the municipality shall provide for the election of trustees of the county or district combined separate school board in the year 1968 and in every second year thereafter.

Manner of  
election

- (19) An election of trustees of a county or district combined separate school board shall be conducted in a municipality by the same officers and in the same manner as municipal elections in the municipality, and,

(a) the meetings of separate school supporters for the nomination of candidates for a county or district combined separate school board shall be held on the second Monday preceding the first Monday in December;

(b) the day for polling shall be the first Monday in December and the polls shall be open between the hours of 10 o'clock in the forenoon and 8 o'clock in the afternoon, except that, where a municipal election is being held on the same day, the polls shall be open between the same hours as for the municipal election;

(c) the council of every municipality in which a nomination meeting is to be held shall, before the 1st day of November in the year 1968 and in every second year thereafter, pass a by-law naming the date, time and place at which the nomination meeting shall be held, and the clerk of such municipality shall, within forty-eight hours of the passing of the by-law, notify the returning officer of each municipality concerned who shall advertise the date, time and place of the nomination meeting as provided in section 45 of *The Municipal Act*; and

R.S.O. 1960,  
c. 249

(d) the council of a municipality may by by-law provide for advance polls, and section 90 of *The Municipal Act* applies *mutatis mutandis*.





Subsection 10. The amendment includes the costs of advertising nomination meetings and polls in the costs for which the combined separate school board is to reimburse the municipality.

(20) The list of voters to be used in an election of trustees <sup>Voters' list</sup> of a county or district combined separate school board is,

- (a) the voters' list prepared, revised and certified for use in the municipal election in the year of the election of the combined separate school board; or
- (b) where no municipal election is to be held in a municipality in the year of the election of the combined separate school board, the last revised voters' list for the municipality completed in accordance with *The Voters' Lists Act*; <sup>R.S.O. 1960, c. 420</sup> or
- (c) in territory without municipal organization, the last revised assessment roll, excepting therefrom the names of persons who are not British subjects and of persons who are not of the full age of twenty-one years,

except that only persons who are separate school supporters of the combined separate school board may vote at the election of the trustees of such board.

(20a) Where, in a municipality in which no municipal election is to be held in the year of the election of the combined separate school board, or in territory without municipal organization, the name of a person has been entered on the last revised assessment roll or has been added to the assessment roll under section 44 of *The Assessment Act, 1968-69* and the clerk is satisfied that the person is entitled to have his name entered on the list of voters and his name has not been entered thereon, he may issue a certificate in Form 10 to *The Municipal Act*, authorizing the returning officer or proper deputy returning officer to enter the name of the person on such list. <sup>Certificate to enter name on voters' list</sup>

(10) Subsection 23 of the said section 84 is repealed and the following substituted therefor: <sup>R.S.O. 1960, c. 368, s. 84 (1968, c. 125, s. 6), subs. 23, re-enacted</sup>

(23) Where the council of a municipality is required to provide for an election of trustees of a county or district combined separate school board in a year other than a year in which the election of the members of the council is held, the county or district combined separate school board shall forthwith after <sup>Expenses for certain elections to be repaid to municipality</sup>

its organization reimburse the treasurer of the municipality for the reasonable expenses incurred by the clerk or any other officer of the municipality for advertising the times and places of nomination meetings and of polls, for printing, for providing ballot boxes, ballot papers, materials for marking ballot papers, and balloting compartments, and for the transmission of packets, and for reasonable fees and allowances for services rendered respecting the election of trustees of the board, excluding the cost of preparing the voters' list.

R.S.O. 1960, c. 368, s. 85  
(1968, c. 125, s. 6),  
amended      **6.** Section 85 of *The Separate Schools Act*, as enacted by section 6 of *The Separate Schools Amendment Act, 1968*, is amended by adding thereto the following subsection:

Person  
not to be  
candidate  
for more  
than one  
seat on  
board

(3a) No person shall qualify himself as a candidate for more than one seat on a county or district combined separate school board, and any person who so qualifies himself and is elected to hold one or more seats on the county or district combined separate school board is not entitled to sit as a member of the board by reason of the election, and his seat or seats are thereby vacated.

Commence-  
ment

**7.**—(1) This Act, except sections 3 and 4, comes into force on the day it receives Royal Assent.

Idem

(2) Section 3 shall be deemed to have come into force on the 31st day of December, 1969.

Idem

(3) Section 4 comes into force on the 1st day of January, 1971.

Short title

**8.** This Act may be cited as *The Separate Schools Amendment Act, 1970*.

SECTION 6. The amendment provides that a person may not be a candidate for more than one seat on a county or district combined separate school board.







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An Act to amend  
The Separate Schools Act

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*1st Reading*

June 17th, 1970

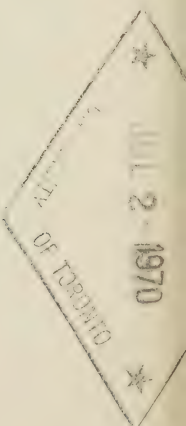
*2nd Reading*

*3rd Reading*

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MR. DAVIS

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3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

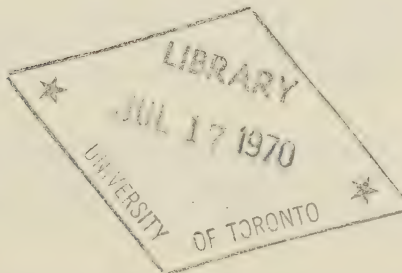
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**An Act to amend The Separate Schools Act**

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MR. DAVIS

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TORONTO

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BILL 153

1970

## An Act to amend The Separate Schools Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 12a of section 22 of *The Separate Schools Act*, as enacted by section 2 of *The Separate Schools Amendment Act, 1964* and amended by section 2 of *The Separate Schools Amendment Act, 1966* and subsection 2 of section 2 of *The Separate Schools Amendment Act, 1968*, is repealed and the following substituted therefor:

(12a) A separate school board and a public school board may enter into an agreement in respect of the provision of education in a school under the jurisdiction of the public school board for pupils of the separate school board in a course or courses that are not available in a school under the jurisdiction of the separate school board, or that are considered by the separate school board to be not readily accessible to the pupils in respect of whom the agreement is made where,

(a) the appropriate supervisory officer of the public school board certifies that accommodation is available in such school for such pupils; and

(b) the separate school board pays a fee for each such pupil calculated in accordance with section 100a of *The Schools Administration Act*.

2. Clauses e, h and j of subsection 1 of section 74 of *The Separate Schools Act*, as enacted by section 6 of *The Separate Schools Amendment Act, 1968*, are repealed and the following substituted therefor:

(e) "county municipality" means a municipality that forms part of a county for municipal purposes and

includes a municipality, other than a city, that forms part of a regional municipality;

1970, c. ...

(h) "district municipality" means a municipality, except a city, in a territorial district, and includes an area municipality as defined in *The District Municipality of Muskoka Act, 1970*;

(j) "separate school supporter" in a combined separate school zone means,

(i) in a municipality, a person whose name is entered on the last revised voters' list as qualified to vote at the municipal elections of the municipality and appears thereon as a supporter of a separate school, and

(ii) in territory without municipal organization, a person who is of the full age of twenty-one years, a British subject and a Roman Catholic and whose name is entered on the last revised assessment roll for such territory as a supporter of a separate school.

R.S.O. 1960, c. 368, s. 80, (1968, c. 125, s. 6), subs. 6, re-enacted **3.** Subsection 6 of section 80 of *The Separate Schools Act*, as enacted by section 6 of *The Separate Schools Amendment Act, 1968*, is repealed and the following substituted therefor:

Decision of arbitrators

(6) The decision of a majority of the arbitrators under subsection 2 or 3 shall be made on or before the 31st day of July, 1970, except a decision in respect of a teacher's contract under clause *f* of subsection 1 which shall be made on or before the 1st day of May, 1969, and, subject to subsection 6*b*, every such decision is final.

Implementation of decision

(6*a*) A decision under subsection 2 or 3 or an amended decision under subsection 6*b* shall not be implemented before the 1st day of January, 1971, but the provisions of this subsection shall not operate so as to prevent the implementation before the 15th day of June, 1970, of,

(*a*) a decision in respect of a teacher's contract under clause *f* of subsection 1; or

(*b*) a decision, other than a decision referred to in clause *a*, that has been implemented in whole or in part before such date.

- (6b) Where, subsequent to the decision of the arbitrators referred to in subsection 6, a matter or condition that was not evident at the time the decision was made is brought to the attention of the county or district combined separate school board before the 30th day of September, 1970, the county or district combined separate school board, where no part of the decision, other than a decision in respect of a teacher's contract under clause *f* of subsection 1, has been implemented before the 15th day of June, 1970, shall, before the 15th day of October, 1970, refer the matter or condition to the arbitrators who shall, prior to the 15th day of November, 1970, make a decision in relation to such matter or condition in accordance with this section, and may amend their former decision accordingly, and the provisions of subsection 5 apply *mutatis mutandis*. <sup>Amended decision</sup>

- (6c) For the purposes of subsection 6b, where an arbitrator appointed under subsection 2, 3 or 4 is unable for any reason to act, a person qualified in accordance with subsection 2 shall be appointed to fill the vacancy by the board, or by the arbitrators, that appointed the arbitrator who is unable to act. <sup>Vacancy in arbitrators</sup>

4. Section 81 of *The Separate Schools Act*, as enacted by R.S.O. 1960, c. 368, s. 81, section 6 of *The Separate Schools Amendment Act, 1968*, is (1968, c. 125, s. 6), subs. 6 re-enacted amended by adding thereto the following subsections:

- (2) Where the council of a municipality all or part of which is in a county or district combined separate school zone, levies and collects the rates and taxes imposed by the county or district combined separate school board, the council shall, subject to subsections 3 and 5, pay to such board the sums required to be raised by the municipality in the following instalments: <sup>Payment of rates to boards</sup>
1. 25 per cent of such amounts on the 31st day of March;
  2. 25 per cent of such amounts on the 30th day of June;
  3. 25 per cent of such amounts on the 30th day of September;
  4. 25 per cent of such amounts on the 15th day of December,

and in case of non-payment of such instalment or any portion thereof on such dates, the municipality so in default shall pay to the board interest thereon from the day of default to the date that the payment is made at the minimum lending rate of the majority of chartered banks on the day of default and where, with the consent of the board, such instalments or any portion thereof are paid in advance of such dates, the board shall allow to the municipality a discount thereon from the date of payment to the date upon which the payment is due at the minimum lending rate of the majority of chartered banks on the date of payment.

#### Agreements

- (3) Where a county or district combined separate school board has requested the municipalities that are in whole or in part within the county or district combined separate school zone to levy and collect the rates or taxes imposed by the board, the board may, by agreement with a majority of the municipalities in which it has jurisdiction, where such municipalities represent at least two-thirds of the assessment of the property in the combined zone rateable for separate school purposes as equalized in accordance with subsection 1 of section 59b, provide for any number of instalments and amounts and due dates thereof other than those provided in subsection 2, which shall be applicable to every municipality all or part of which is within the combined zone, and otherwise subsection 2 applies *mutatis mutandis*.

#### Termination of agreement

- (4) Where an agreement under subsection 3 does not provide for its termination, it shall continue in force from year to year until it is terminated on the 31st day of December in any year by notice given before the 31st day of October in such year,
  - (a) by the secretary of the county or district combined separate school board as authorized by a resolution of the board; or
  - (b) by the clerks of the majority of the municipalities which represent at least two-thirds of the assessment of the property in the combined zone rateable for separate school purposes as equalized in accordance with subsection 1 of section 59b,

and where no agreement is in effect under subsection 3, the payments shall be made as provided in subsection 2.



- (5) Where in any year a municipality is required to levy and collect the rates or taxes imposed by a county or district combined separate school board, and, for any reason, the rates to be levied have not been submitted to the council of the municipality before the date upon which an instalment is due, the amount of the instalment shall be based upon the rates submitted in the previous year and paid on the due date, and in the case of late payment or prepayment of all or part of such instalment, the interest or discount under subsection 2 shall apply thereto, and the necessary adjustment shall be made in the instalment due next following the date upon which the rates are received.

Where instalment due before rates to be levied submitted to council

5.—(1) Subsection 5 of section 84 of *The Separate Schools Act* is repealed and the following substituted therefor:

R.S.O. 1960, c. 368, s. 84 (1968, c. 125, s. 6), subs. 5, re-enacted

- (5) The clerk of the county municipality or the clerk of the organized district municipality, as the case may be, or where there is no organized district municipality in the district combined separate school zone, the clerk of the city, having the greatest equalized residential and farm assessment for separate school purposes in a county or district combined separate school zone, shall make the determination required under subsection 4, and shall, before the 1st day of September in the year of the determination, send by registered mail to the clerk of each city and of each county or district municipality in the combined separate school zone and to the secretary of the county or district combined separate school board, a copy of the determination.

Determination under subs. 4, who to make

- (5a) Before the 1st day of September in the year in which an election is to be held, a determination shall be made under subsection 4,

When determination to be made

- (a) if it is determined under subsection 3 that the number of members of the county or district combined separate school board should be increased or decreased or if the boundaries of the county or district combined separate school zone have been altered, or are to be altered under subsection 2 of section 75, effective the 1st day of January next following the election;

(b) it,

- (i) the boundaries of one or more cities within the county or district combined

separate school zone have been altered or a new city has been erected in the county or district combined separate school zone subsequent to the latest determination made under subsection 4 that did not take into account the altered boundaries or the new city, or

- (ii) the boundaries of one or more cities within the county or district combined separate school zone are to be altered or a new city is to be erected effective the 1st day of January of the year next following the election; and

- (c) in every fourth year following the latest determination under subsection 4,

and, subject to subsection 13, a determination made under subsection 4 is effective until a new determination is required in accordance with this subsection.

R.S.O. 1960,  
c. 368, s. 84  
(1968, c. 125,  
s. 6), subs. 7,  
re-enacted

Distribution  
of trustees  
to be elected  
in county or  
district  
municipalities in  
combined  
zone

- (2) Subsection 7 of the said section 84 is repealed and the following substituted therefor:

- (7) With respect to the county municipalities in a county combined separate school zone and the district municipalities in a district combined separate school zone, the clerks of the three county municipalities or the clerks of the three organized district municipalities, as the case may be, having successively the greatest equalized residential and farm assessment for separate school purposes in the combined separate school zone, and where there are fewer than three organized district municipalities in the district combined separate school zone, the clerks of all such municipalities, shall determine, before the 1st day of September in each year in which,

- (a) a determination is made in accordance with subsection 5a; or
- (b) an election is to be held and the boundaries of one or more county or district municipalities have been altered subsequent to the latest determination under this subsection, or are to be altered effective on or before the 1st day of January next following the election,



the county or district municipality or municipalities to be represented by each trustee to be elected in the county or district municipalities in the combined separate school zone, but in no case where two or more trustees are to be elected in the county or district municipalities shall the determination provide for a trustee to be elected by a general vote of all the separate school supporters of the county or district municipalities, and such determination is effective until a new determination is required under this subsection.

- (7a) Where the determination under subsection 7 is not made before the 1st day of September, the clerk of the county municipality or of the district municipality, as the case may be, having the greatest equalized residential and farm assessment for separate school purposes in the combined separate school zone, shall refer the matter to the judge, who shall make the determination before the 1st day of October in accordance with subsection 9, and his decision is final.
- Where judge  
to make  
deter-  
mination

(3) Subsection 10 of the said section 84 is amended by inserting after "or" in the twenty-second line "where he determines that the determination was made in accordance with subsection 9", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 368, s. 84  
(1968, c. 125,  
s. 6),  
subs. 10,  
amended

- (10) Where the determination made by the clerks of the county or district municipalities under subsection 7 allots to a municipality or to a combination of municipalities a percentage of the total number of trustees to be elected by the separate school supporters of all the county or district municipalities in the combined separate school zone that differs by more than five percentage points from the percentage that the equalized residential and farm assessment of the property rateable for separate school purposes in the part of such zone in the municipality or combination of municipalities is of the total equalized residential and farm assessment of the property rateable for separate school purposes in the whole of such zone, the council of the municipality or the council of any municipality in such combination of municipalities, as the case may be, may, within fifteen days after notice of the determination has been mailed, appeal the determination to the county or district judge who, before the 1st day of October, shall either re-apportion the number of trustees in accordance with
- Appeal from  
deter-  
mination

subsection 9 or, where he determines that the determination was made in accordance with subsection 9, confirm the determination, and his decision is final.

R.S.O. 1960, c. 368, s. 84 (1968, c. 125, s. 6), subs. 12, cl. b, amended (4) Clause *b* of subsection 12 of the said section 84 is amended by striking out "7" in the third line and inserting in lieu thereof "7a", so that the clause shall read as follows:

(b) before the 1st day of October in each year in which a determination is made by the judge under subsection 7a or 10, a copy of the determination.

R.S.O. 1960, c. 368, s. 84 (1968, c. 125, s. 6), amended (5) The said section 84, as amended by section 8 of *The Separate Schools Amendment Act, 1968-69*, is further amended by adding thereto the following subsections:

New determination where former determination improper

(13a) Where the council of a municipality, or a county or district combined separate school board on behalf of any territory without municipal organization that is deemed a district municipality, after the period for an appeal under this section, and notwithstanding a decision made in respect of such appeal, is of the opinion that the composition of the board of a combined separate school zone was not determined in accordance with the provisions of this section, the council or the board may, before the 1st day of May in the year of the next following election, apply to the judge to have the determination set aside and, where the judge finds that the determination was not made in accordance with the provisions of this section, he shall order a new determination to be made, and the determination so made, subject to an appeal under subsection 10 or subsection 13, shall apply to the election next following such determination, and the board in respect of which the application to the judge is made shall be deemed to have been properly constituted notwithstanding any defect in its composition.

New determination in 1970

(13b) Notwithstanding the date referred to in subsection 13a, an application to the judge under such subsection in the year 1970 may be made on or before the 15th day of July.

R.S.O. 1960, c. 368, s. 84 (1968, c. 125, s. 6), subs. 14, re-enacted

(6) Subsection 14 of the said section 84 is repealed and the following substituted therefor:

Where election by general vote and where by areas

(14) The number of trustees of a county or district combined separate school board to be elected in a municipality shall be elected by a general vote of the

separate school supporters of such board in the municipality, provided that, where it is determined under this section that the number of trustees to be elected to the board by the separate school supporters in the municipality is two or more, the council of the municipality may, by by-law, divide the municipality into two or more areas and provide for the election of one or more of such trustees by the separate school supporters in each of such areas.

- (14a) A by-law for the purpose mentioned in subsection 14 and a by-law repealing any such by-law shall not be passed later than the 1st day of November in the year of the election and shall take effect for the purpose of the election next after the passing of the by-law and remains in force until repealed. Time for passing by-law

(7) Clause *a* of subsection 15 of the said section 84 is amended by inserting after "area" in the fifth line "who shall send to the clerk of each municipality concerned by registered mail within forty-eight hours after the closing of nominations the names of the candidates who have qualified", so that the clause shall read as follows: R.S.O. 1960, c. 368, s. 84 (1968, c. 125, s. 6), subs. 15, cl. a, amended

- (a) the nominations for such trustees shall be conducted by the returning officer of the municipality having the greatest equalized residential and farm assessment for the purposes of such board in the combined area, who shall send to the clerk of each municipality concerned by registered mail within forty-eight hours after the closing of nominations the names of the candidates who have qualified; and

(8) Clause *b* of subsection 15 of the said section 84 is amended by striking out "clerk of the municipality in which the nominations were held" in the fourth and fifth lines and inserting in lieu thereof "returning officer referred to in clause *a*", so that the clause shall read as follows: R.S.O. 1960, c. 368, s. 84 (1968, c. 125, s. 6), subs. 15, cl. b, amended

- (b) the clerk of each municipality shall be the returning officer for the vote to be recorded in his municipality and he shall report forthwith the vote recorded to the returning officer referred to in clause *a*, who shall prepare the final summary and announce the vote.

(9) Subsections 17, 18, 19 and 20 of the said section 84 are repealed and the following substituted therefor: R.S.O. 1960, c. 368, s. 84 (1968, c. 125, s. 6), subs. 17-20, re-enacted

Biennial  
elections

- (17) The trustees of a county or district combined separate school board shall be elected for a term of two years and the election of such trustees shall take place in the year 1968 and in every second year thereafter.

Where no  
municipal  
election  
in any year

- (18) Where in a municipality there is no provision for municipal elections in the year 1968 or in any second year thereafter, the council of the municipality shall provide for the election of trustees of the county or district combined separate school board in the year 1968 and in every second year thereafter.

Manner of  
election

- (19) An election of trustees of a county or district combined separate school board shall be conducted in a municipality by the same officers and in the same manner as municipal elections in the municipality, and,

- (a) the meetings of separate school supporters for the nomination of candidates for a county or district combined separate school board shall be held on the second Monday preceding the first Monday in December;
- (b) the day for polling shall be the first Monday in December and the polls shall be open between the hours of 10 o'clock in the forenoon and 8 o'clock in the afternoon, except that, where a municipal election is being held on the same day, the polls shall be open between the same hours as for the municipal election;
- (c) the council of every municipality in which a nomination meeting is to be held shall, before the 1st day of November in the year 1968 and in every second year thereafter, pass a by-law naming the date, time and place at which the nomination meeting shall be held, and the clerk of such municipality shall, within forty-eight hours of the passing of the by-law, notify the returning officer of each municipality concerned who shall advertise the date, time and place of the nomination meeting as provided in section 45 of *The Municipal Act*; and
- (d) the council of a municipality may by by-law provide for advance polls, and section 90 of *The Municipal Act* applies *mutatis mutandis*.

R.S.O. 1960,  
c. 249



- (20) The list of voters to be used in an election of trustees of a county or district combined separate school board is, Voters' list

- (a) the voters' list prepared, revised and certified for use in the municipal election in the year of the election of the combined separate school board; or
- (b) where no municipal election is to be held in a municipality in the year of the election of the combined separate school board, the last revised voters' list for the municipality completed in accordance with *The Voters' Lists Act*; R.S.O. 1960, c. 420 or
- (c) in territory without municipal organization, the last revised assessment roll, excepting therefrom the names of persons who are not British subjects and of persons who are not of the full age of twenty-one years,

except that only persons who are separate school supporters of the combined separate school board may vote at the election of the trustees of such board.

- (20a) Where, in a municipality in which no municipal election is to be held in the year of the election of the combined separate school board, or in territory without municipal organization, the name of a person has been entered on the last revised assessment roll or has been added to the assessment roll under section 44 of *The Assessment Act, 1968-69* and the clerk is satisfied that the person is entitled to have his name entered on the list of voters and his name has not been entered thereon, he may issue a certificate in Form 10 to *The Municipal Act*, authorizing the returning officer or proper deputy returning officer to enter the name of the person on such list. Certificate to enter name on voters' list  
1968-69, c. 6

- (10) Subsection 23 of the said section 84 is repealed and the following substituted therefor: R.S.O. 1960, c. 368, s. 84 (1968, c. 125, s. 6), subs. 23, re-enacted

- (23) Where the council of a municipality is required to provide for an election of trustees of a county or district combined separate school board in a year other than a year in which the election of the members of the council is held, the county or district combined separate school board shall forthwith after Expenses for certain elections to be repaid to municipality



its organization reimburse the treasurer of the municipality for the reasonable expenses incurred by the clerk or any other officer of the municipality for advertising the times and places of nomination meetings and of polls, for printing, for providing ballot boxes, ballot papers, materials for marking ballot papers, and balloting compartments, and for the transmission of packets, and for reasonable fees and allowances for services rendered respecting the election of trustees of the board, excluding the cost of preparing the voters' list.

R.S.O. 1960,  
c. 368, s. 85  
(1968, c. 125,  
s. 6),  
amended

**6.** Section 85 of *The Separate Schools Act*, as enacted by section 6 of *The Separate Schools Amendment Act, 1968*, is amended by adding thereto the following subsection:

Person  
not to be  
candidate  
for more  
than one  
seat on  
board

(3a) No person shall qualify himself as a candidate for more than one seat on a county or district combined separate school board, and any person who so qualifies himself and is elected to hold one or more seats on the county or district combined separate school board is not entitled to sit as a member of the board by reason of the election, and his seat or seats are thereby vacated.

Commence-  
ment

**7.—**(1) This Act, except sections 3 and 4, comes into force on the day it receives Royal Assent.

Idem

(2) Section 3 shall be deemed to have come into force on the 31st day of December, 1969.

Idem

(3) Section 4 comes into force on the 1st day of January, 1971.

Short title

**8.** This Act may be cited as *The Separate Schools Amendment Act, 1970*.



An Act to amend  
The Separate Schools Act

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*1st Reading*

June 17th, 1970

*2nd Reading*

June 25th, 1970

*3rd Reading*

June 25th, 1970

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Mr. DAVIS

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3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

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An Act to amend The Public Schools Act

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MR. DAVIS

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#### EXPLANATORY NOTE

The amendment permits a public school board to enter into an agreement with a separate school board in respect of the provision of education in a separate school of public school pupils in a course not available or readily accessible in a public school under the jurisdiction of the public school board.



## An Act to amend The Public Schools Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of *The Public Schools Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 330, s. 6,  
amended

(12a) A public school board and a separate school board may enter into an agreement in respect of the provision of education in a school under the jurisdiction of the separate school board for pupils of the public school board in a course or courses that are not available in a school under the jurisdiction of the public school board or that are considered by the public school board to be not readily accessible to the pupils in respect of whom the agreement is made where, Agreements  
for education  
of public  
school pupils  
in separate  
school

(a) the appropriate supervisory officer of the separate school board certifies that accommodation is available in such school for such pupils; and

(b) the public school board pays a fee for each such pupil calculated in accordance with section 100a of *The Schools Administration Act*. R.S.O. 1960,  
c. 361

2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment

3. This Act may be cited as *The Public Schools Amendment Act, 1970*. Short title

An Act to amend  
The Public Schools Act

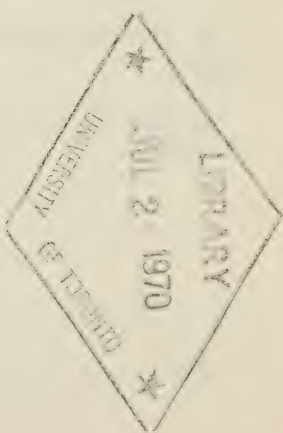
*1st Reading*

June 17th, 1970

*2nd Reading*

*3rd Reading*

MR. DAVIS



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3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

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An Act to amend The Public Schools Act

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MR. DAVIS

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TORONTO

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## An Act to amend The Public Schools Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of *The Public Schools Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 330, s. 6,  
amended

(12a) A public school board and a separate school board may enter into an agreement in respect of the provision of education in a school under the jurisdiction of the separate school board for pupils of the public school board in a course or courses that are not available in a school under the jurisdiction of the public school board or that are considered by the public school board to be not readily accessible to the pupils in respect of whom the agreement is made where, Agreements  
for education  
of public  
school pupils  
in separate  
school

(a) the appropriate supervisory officer of the separate school board certifies that accommodation is available in such school for such pupils; and

(b) the public school board pays a fee for each such pupil calculated in accordance with section 100a of *The Schools Administration Act*. R.S.O. 1960,  
c. 361

2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment

3. This Act may be cited as *The Public Schools Amendment Act, 1970*. Short title



An Act to amend  
The Public Schools Act

---

*1st Reading*

June 17th, 1970

*2nd Reading*

June 25th, 1970

*3rd Reading*

June 25th, 1970

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MR. DAVIS

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**BILL 155**

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3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

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**An Act to amend The Loan and Trust Corporations Act**

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MR. LAWRENCE (Carleton East)

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#### EXPLANATORY NOTE

The Bill prohibits the registration of the transfer of shares in a loan or trust corporation to a non-resident where the total foreign ownership would exceed 25 per cent of the capital stock or where any one foreign owner would be registered in respect of more than 10 per cent of the capital stock.

## An Act to amend The Loan and Trust Corporations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 52 of *The Loan and Trust Corporations Act* is <sup>R.S.O. 1960, c. 222, s. 52, amended</sup> amended by striking out "section" in the first line and inserting in lieu thereof "sections 52*d* and", so that the section shall read as follows:

52. Subject to sections 52*d* and 53, no by-law shall be <sup>Restrictions on transfer</sup> passed that in any way restricts the right of a holder of paid up shares to transfer them, but nothing in this section prevents the regulation of the mode of their transfer.

2. *The Loan and Trust Corporations Act* is <sup>R.S.O. 1960, c. 222, amended</sup> amended by adding thereto the following sections:

52*a*.—(1) In this section and sections 52*b* to 52*f*, <sup>Interpretation</sup>

(*a*) "company" includes an association, partnership or other organization;

(*b*) "non-resident" means,

(i) an individual who is not ordinarily resident in Canada,

(ii) a company incorporated, formed or otherwise organized, elsewhere than in Canada,

(iii) a company that is controlled directly or indirectly by non-residents as defined in subclause i or ii,

(iv) a trust established by a non-resident as defined in subclause i, ii or iii, or a trust in which non-residents as so defined have more than 50 per cent of the beneficial interest, or

(v) a company that is controlled directly or indirectly by a trust mentioned in subclause iv;

(c) "resident" means an individual, company or trust that is not a non-resident.

Associated  
shareholder

(2) For the purposes of sections 52*b* to 52*f*, a shareholder shall be deemed to be associated with another shareholder if,

(a) one shareholder is a company of which the other shareholder is an officer or director;

(b) one shareholder is a partnership of which the other shareholder is a partner;

(c) one shareholder is a company that is controlled directly or indirectly by the other shareholder;

(d) both shareholders are companies and one shareholder is controlled directly or indirectly by the same individual or company that controls directly or indirectly the other shareholder;

(e) both shareholders are members of a voting trust where the trust relates to shares of a corporation; or

(f) both shareholders are associated within the meaning of clauses *a* to *e* with the same shareholder.

Shares  
held jointly

(3) For the purposes of sections 52*b* to 52*f*, where a share of the capital stock of a corporation is held jointly and one or more of the joint holders thereof is a non-resident, the share shall be deemed to be held by a non-resident.

Limit on  
shares held  
by non-  
residents

52*b*.—(1) The directors of a corporation shall refuse to allow in the books referred to in section 59 the entry of a transfer of any share of the capital stock of the corporation to a non-resident,

- (a) if, when the total number of shares of the capital stock of the corporation held by non-residents exceeds 25 per cent of the total number of issued and outstanding shares of such stock, the entry of the transfer would increase the percentage of such shares held by non-residents;
  - (b) if, when the total number of shares of the capital stock of the corporation held by non-residents is 25 per cent or less of the total number of issued and outstanding shares of such stock, the entry of the transfer would cause the total number of such shares of stock held by non-residents to exceed 25 per cent of the total number of issued and outstanding shares of such stock;
  - (c) if, when the total number of shares of the capital stock of the corporation held by the non-resident and by other shareholders associated with him, if any, exceeds 10 per cent of the total number of issued and outstanding shares of such stock, the entry of the transfer would increase the percentage of such shares held by the non-resident and by other shareholders associated with him, if any; or
  - (d) if, when the total number of shares of the capital stock of the corporation held by the non-resident and by other shareholders associated with him, if any, is 10 per cent or less of the total number of issued and outstanding shares of such stock, the entry of the transfer would cause the number of such shares of stock held by the non-resident and by other shareholders associated with him, if any, to exceed 10 per cent of the issued and outstanding shares of such stock.
- (2) Notwithstanding subsection 1, the directors of a corporation may allow in the books referred to in section 59 the entry of a transfer of any share of the capital stock of the corporation to a non-resident when it is shown to the directors on evidence satisfactory to them that the share was, immediately prior to the coming into force of this section, held in the right of or for the use or benefit of the non-resident.



Allotment  
to non-  
resident

- (3) The directors of a corporation shall not allot, or allow the allotment of, any shares of the capital stock of the corporation to any non-resident in circumstances where, if the allotment to such non-resident were a transfer of those shares, the entry thereof in the books would be required, under subsection 1, to be refused by the directors.

Penalty

- (4) Default in complying with this section does not affect the validity of a transfer or allotment of a share of the capital stock of the corporation that has been entered in the books referred to in section 59, but every director or officer who knowingly authorizes or permits such default is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000 or to imprisonment for a term of not more than one year, or to both such fine and imprisonment.

Voting  
by non-  
residents

- 52c.—(1) A non-resident shall not exercise the voting rights attached to shares of a corporation unless he is entered in the books of the corporation as a shareholder in respect of the shares.

Voting  
rights of  
nominees  
suspended

- (2) Where a resident holds shares of the capital stock of a corporation in the right of, or for the use or benefit of, a non-resident and in respect of which the non-resident is not entered in the books of the corporation as the holder, the resident shall not, either in person or by proxy or by a voting trust, exercise the voting rights pertaining to those shares.

Change  
of status  
while  
entered  
on books

- (3) Where a person or company who is a resident becomes a non-resident while entered on the books of a corporation as a shareholder and the number of shares of such person or company recorded on such books when added to those entered thereon as owned by other non-residents exceed the limit set out in section 52b, the person or company shall not exercise, directly, by proxy or by a voting trust, any voting rights in respect of its shares that exceed the limit set out in section 52b.

Voting  
rights  
of single  
non-resident  
owner

- (4) Notwithstanding subsections 1, 2 and 3, where any shares of the capital stock of a corporation are held in the name of or for the use or benefit of a non-resident, other than shares in respect of which the non-resident was entered on the books of the corporation before this Act comes into force or is entered on the books under subsection 2 of section 52b, no

person shall, either as proxy or by a voting trust or in person, exercise the voting rights pertaining to such shares held by the non-resident or in his right or for his use or benefit, if the total of such shares so held, together with such shares held in the name or right of or for the use or benefit of,

(a) any shareholders associated with the non-resident; or

(b) any person who would, under subsection 2 of section 52a, be deemed to be shareholders associated with the non-resident were such persons and the non-resident themselves shareholders,

exceed in number 10 per cent of the issued and outstanding shares of such stock.

(5) Every person who knowingly contravenes this <sup>Penalty</sup> section is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000 or to imprisonment for a term of not more than one year, or to both such fine and imprisonment.

(6) If any provision of this section is contravened at a <sup>Effect of</sup> general meeting of the corporation, no proceeding, <sup>contra-</sup>matter or thing at that meeting is void by reason only <sup>vention</sup> of such contravention, but any such proceeding, matter or thing is, at any time within one year from the day of commencement of the general meeting at which the contravention occurred, voidable at the option of the shareholders by a resolution passed at a special general meeting of the corporation.

52d.—(1) The directors of a corporation may make such <sup>By-laws</sup> by-laws as they consider necessary to carry out the intent of sections 52a to 52c and in particular, but without restricting the generality of the foregoing, the directors may make by-laws,

(a) requiring any person holding any share of the capital stock of the corporation to submit statutory declarations,

(i) with respect to the ownership of such share,

(ii) with respect to the place in which the shareholder and any person for whose use or benefit the share is held are ordinarily resident,

- (iii) whether the shareholder is associated with any other shareholder, and
- (iv) with respect to such other matters as the directors consider relevant for the purposes of sections 52*a* to 52*c*;
- (*b*) prescribing the times at which and the manner in which any declarations required under clause *a* are to be submitted; and
- (*c*) requiring any person desiring to have a transfer of a share to him entered in the books referred to in section 59 to submit such a declaration as may be required under this section in the case of a shareholder.

Where  
declaration  
pending

- (2) Where by or under any by-law made under subsection 1 any declaration is required to be submitted by any shareholder or person in respect of the transfer of any share, the directors may refuse to enter such transfer in the books referred to in section 59 until the required declaration has been completed and submitted.

Penalty

- (3) Any person who makes any wilfully false or deceptive statement in a declaration required by a by-law made under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000 or to imprisonment for a term of not more than one year, or to both such fine and imprisonment.

Report  
to the  
Registrar

- 52*e*. No transfers of shares of a corporation shall be entered in the books maintained under section 59 until thirty days after notice thereof has been deposited with the Registrar, if,

- (*a*) the transfer relates to 10 per cent or more of the issued shares of the corporation for the time being enjoying voting rights; or
- (*b*) the directors have reason to believe that the transfer would result in a majority of the issued shares of the corporation for the time being enjoying voting rights being beneficially owned by any one person.

Liability of  
directors

- 52*f*. In determining, for the purposes of sections 52*a* to 52*e*, whether a person is a resident or non-resident, by whom a corporation is controlled or any other

circumstances relevant to the performance of their duties under those sections, the directors of the corporation may rely upon any statement made in any declarations made under section 52*d* or rely upon their own knowledge of the circumstances; and the directors are not liable in any action for anything done or omitted by them in good faith as a result of any conclusions made by them on the basis of any such statements or knowledge.

**3.** This Act shall be deemed to have come into force on the <sup>Commence-</sup>  
17th day of June, 1970. <sub>ment</sub>

**4.** This Act may be cited as *The Loan and Trust Cor-* <sup>Short title</sup>  
*porations Amendment Act, 1970.*







An Act to amend  
The Loan and Trust Corporations Act

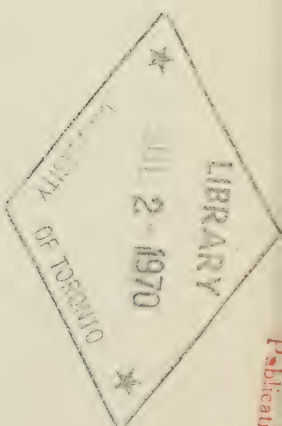
*1st Reading*

June 17th, 1970

*2nd Reading*

*3rd Reading*

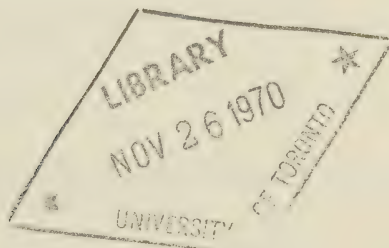
MR. LAWRENCE (Carleton East)



3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

**An Act to amend The Loan and Trust Corporations Act**

MR. LAWRENCE (Carleton East)



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND QUEEN'S PRINTER AND PUBLISHER



BILL 155

1970

## An Act to amend The Loan and Trust Corporations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 52 of *The Loan and Trust Corporations Act* is amended by striking out "section" in the first line and inserting in lieu thereof "sections 52*d* and", so that the section shall read as follows:

52. Subject to sections 52*d* and 53, no by-law shall be passed that in any way restricts the right of a holder of paid up shares to transfer them, but nothing in this section prevents the regulation of the mode of their transfer.

2. *The Loan and Trust Corporations Act* is amended by adding thereto the following sections:

52*a*.—(1) In this section and sections 52*b* to 52*f*,

Interpre-  
tation

(*a*) "company" includes an association, partnership or other organization;

(*b*) "non-resident" means,

- (i) an individual who is not ordinarily resident in Canada,
- (ii) a company incorporated, formed or otherwise organized, elsewhere than in Canada,
- (iii) a company that is controlled directly or indirectly by non-residents as defined in subclause i or ii,

(iv) a trust established by a non-resident as defined in subclause i, ii or iii, or a trust in which non-residents as so defined have more than 50 per cent of the beneficial interest, or

(v) a company that is controlled directly or indirectly by a trust mentioned in subclause iv;

(c) "resident" means an individual, company or trust that is not a non-resident.

Associated  
shareholder

(2) For the purposes of sections 52*b* to 52*f*, a shareholder shall be deemed to be associated with another shareholder if,

(a) one shareholder is a company of which the other shareholder is an officer or director;

(b) one shareholder is a partnership of which the other shareholder is a partner;

(c) one shareholder is a company that is controlled directly or indirectly by the other shareholder;

(d) both shareholders are companies and one shareholder is controlled directly or indirectly by the same individual or company that controls directly or indirectly the other shareholder;

(e) both shareholders are members of a voting trust where the trust relates to shares of a corporation; or

(f) both shareholders are associated within the meaning of clauses *a* to *e* with the same shareholder.

Shares  
held jointly

(3) For the purposes of sections 52*b* to 52*f*, where a share of the capital stock of a corporation is held jointly and one or more of the joint holders thereof is a non-resident, the share shall be deemed to be held by a non-resident.

Limit on  
shares held  
by non-  
residents

52*b*.—(1) The directors of a corporation shall refuse to allow in the books referred to in section 59 the entry of a transfer of any share of the capital stock of the corporation to a non-resident,

- (a) if, when the total number of shares of the capital stock of the corporation held by non-residents exceeds 25 per cent of the total number of issued and outstanding shares of such stock, the entry of the transfer would increase the percentage of such shares held by non-residents;
  - (b) if, when the total number of shares of the capital stock of the corporation held by non-residents is 25 per cent or less of the total number of issued and outstanding shares of such stock, the entry of the transfer would cause the total number of such shares of stock held by non-residents to exceed 25 per cent of the total number of issued and outstanding shares of such stock;
  - (c) if, when the total number of shares of the capital stock of the corporation held by the non-resident and by other shareholders associated with him, if any, exceeds 10 per cent of the total number of issued and outstanding shares of such stock, the entry of the transfer would increase the percentage of such shares held by the non-resident and by other shareholders associated with him, if any; or
  - (d) if, when the total number of shares of the capital stock of the corporation held by the non-resident and by other shareholders associated with him, if any, is 10 per cent or less of the total number of issued and outstanding shares of such stock, the entry of the transfer would cause the number of such shares of stock held by the non-resident and by other shareholders associated with him, if any, to exceed 10 per cent of the issued and outstanding shares of such stock.
- (2) Notwithstanding subsection 1, the directors of a corporation may allow in the books referred to in section 59 the entry of a transfer of any share of the capital stock of the corporation to a non-resident when it is shown to the directors on evidence satisfactory to them that the share was, immediately prior to the coming into force of this section, held in the right of or for the use or benefit of the non-resident.



Allotment  
to non-  
resident

- (3) The directors of a corporation shall not allot, or allow the allotment of, any shares of the capital stock of the corporation to any non-resident in circumstances where, if the allotment to such non-resident were a transfer of those shares, the entry thereof in the books would be required, under subsection 1, to be refused by the directors.

Penalty

- (4) Default in complying with this section does not affect the validity of a transfer or allotment of a share of the capital stock of the corporation that has been entered in the books referred to in section 59, but every director or officer who knowingly authorizes or permits such default is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000 or to imprisonment for a term of not more than one year, or to both such fine and imprisonment.

Voting  
by non-  
residents

- 52c.—(1) A non-resident shall not exercise the voting rights attached to shares of a corporation unless he is entered in the books of the corporation as a shareholder in respect of the shares.

Voting  
rights of  
nominees  
suspended

- (2) Where a resident holds shares of the capital stock of a corporation in the right of, or for the use or benefit of, a non-resident and in respect of which the non-resident is not entered in the books of the corporation as the holder, the resident shall not, either in person or by proxy or by a voting trust, exercise the voting rights pertaining to those shares.

Change  
of status  
while  
entered  
on books

- (3) Where a person or company who is a resident becomes a non-resident while entered on the books of a corporation as a shareholder and the number of shares of such person or company recorded on such books when added to those entered thereon as owned by other non-residents exceed the limit set out in section 52b, the person or company shall not exercise, directly, by proxy or by a voting trust, any voting rights in respect of its shares that exceed the limit set out in section 52b.

Voting  
rights  
of single  
non-resident  
owner

- (4) Notwithstanding subsections 1, 2 and 3, where any shares of the capital stock of a corporation are held in the name of or for the use or benefit of a non-resident, other than shares in respect of which the non-resident was entered on the books of the corporation before this Act comes into force or is entered on the books under subsection 2 of section 52b, no

person shall, either as proxy or by a voting trust or in person, exercise the voting rights pertaining to such shares held by the non-resident or in his right or for his use or benefit, if the total of such shares so held, together with such shares held in the name or right of or for the use or benefit of,

- (a) any shareholders associated with the non-resident; or
- (b) any person who would, under subsection 2 of section 52a, be deemed to be shareholders associated with the non-resident were such persons and the non-resident themselves shareholders,

exceed in number 10 per cent of the issued and outstanding shares of such stock.

- (5) Every person who knowingly contravenes this <sup>Penalty</sup> section is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000 or to imprisonment for a term of not more than one year, or to both such fine and imprisonment.
- (6) If any provision of this section is contravened at a <sup>Effect of</sup> general meeting of the corporation, no proceeding, <sup>contra-</sup>matter or thing at that meeting is void by reason only <sup>vention</sup> of such contravention, but any such proceeding, matter or thing is, at any time within one year from the day of commencement of the general meeting at which the contravention occurred, voidable at the option of the shareholders by a resolution passed at a special general meeting of the corporation.

52d.—(1) The directors of a corporation may make such <sup>By-laws</sup> by-laws as they consider necessary to carry out the intent of sections 52a to 52c and in particular, but without restricting the generality of the foregoing, the directors may make by-laws,

- (a) requiring any person holding any share of the capital stock of the corporation to submit statutory declarations,
  - (i) with respect to the ownership of such share,
  - (ii) with respect to the place in which the shareholder and any person for whose use or benefit the share is held are ordinarily resident,

- (iii) whether the shareholder is associated with any other shareholder, and
    - (iv) with respect to such other matters as the directors consider relevant for the purposes of sections 52*a* to 52*c*;
  - (*b*) prescribing the times at which and the manner in which any declarations required under clause *a* are to be submitted; and
  - (*c*) requiring any person desiring to have a transfer of a share to him entered in the books referred to in section 59 to submit such a declaration as may be required under this section in the case of a shareholder.
- Where declaration pending
- (2) Where by or under any by-law made under subsection 1 any declaration is required to be submitted by any shareholder or person in respect of the transfer of any share, the directors may refuse to enter such transfer in the books referred to in section 59 until the required declaration has been completed and submitted.
- Penalty
- (3) Any person who makes any wilfully false or deceptive statement in a declaration required by a by-law made under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000 or to imprisonment for a term of not more than one year, or to both such fine and imprisonment.
- Report to the Registrar
- 52*e*. No transfers of shares of a corporation shall be entered in the books maintained under section 59 until thirty days after notice thereof has been deposited with the Registrar, if,
- (*a*) the transfer relates to 10 per cent or more of the issued shares of the corporation for the time being enjoying voting rights; or
  - (*b*) the directors have reason to believe that the transfer would result in a majority of the issued shares of the corporation for the time being enjoying voting rights being beneficially owned by any one person.
- Liability of directors
- 52*f*. In determining, for the purposes of sections 52*a* to 52*e*, whether a person is a resident or non-resident, by whom a corporation is controlled or any other

circumstances relevant to the performance of their duties under those sections, the directors of the corporation may rely upon any statement made in any declarations made under section 52*d* or rely upon their own knowledge of the circumstances; and the directors are not liable in any action for anything done or omitted by them in good faith as a result of any conclusions made by them on the basis of any such statements or knowledge.

**3.** This Act shall be deemed to have come into force on the 17th day of June, 1970. <sup>Commence-</sup>  
<sup>ment</sup>

**4.** This Act may be cited as *The Loan and Trust Cor-* <sup>Short title</sup>  
*porations Amendment Act, 1970.*







An Act to amend  
The Loan and Trust Corporations Act

*1st Reading*

June 17th, 1970

*2nd Reading*

October 21st, 1970

*3rd Reading*

October 28th, 1970

MR. LAWRENCE (Carleton East)

3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

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**An Act to amend  
The Municipality of Metropolitan Toronto Act**

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MR. McKEOUGH

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TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### EXPLANATORY NOTES

SECTION 1. The amendment authorizes the Transit Commission to pay the full cost of its employees' sick benefit plan which is consistent with the provisions respecting municipal employees generally, including employees of the Metropolitan Corporation. Formerly, the Commission was limited to the payment of two-thirds of such cost.

SECTION 2. The Metropolitan Council is authorized to entrust the operation and management of zoological gardens to the Metropolitan Toronto Zoological Society.

BILL 156

1970

## An Act to amend The Municipality of Metropolitan Toronto Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 112 of *The Municipality of Metropolitan Toronto Act* is amended by striking out “contributing toward the cost thereof” in the tenth and eleventh lines and inserting in lieu thereof “paying the whole or part of the cost thereof”, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 260, s. 112,  
subs. 1,  
amended

- (1) The Commission may provide by contract with an insurer licensed under *The Insurance Act* or with an association registered under *The Prepaid Hospital and Medical Services Act* or with a corporation to be known as the Toronto Transit Commission Sick Benefit Association, to be established subject to Part VI of *The Corporations Act*, for weekly sick-pay, special service, medical and surgical benefits for employees or any class thereof of the Commission and their wives or husbands and dependent children and retired employees in accordance with this section and for paying the whole or part of the cost thereof.

Sick  
benefit  
plan

R.S.O. 1960,  
cc. 190, 304,  
71

(2) Subsection 2 of the said section 112, as amended by section 5 of *The Municipality of Metropolitan Toronto Amendment Act, 1967*, is repealed.

R.S.O. 1960,  
c. 260, s. 112,  
subs. 2,  
repealed

2. *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following section:

R.S.O. 1960,  
c. 260,  
amended

225c.—(1) In this section, “Society” means the Metropolitan Toronto Zoological Society.

Interpre-  
tation

- (2) The Metropolitan Council may by by-law delegate to the Society any or all of the Council's powers to operate and manage a zoological garden and related

Agreement  
to operate  
and manage  
zoological  
garden

facilities established by the Council, and may enter into one or more agreements with the Society entrusting such operation and management to the Society on such terms and conditions as the Council may consider proper.

By-laws  
re: operation  
and  
management

- (3) The Metropolitan Council may by by-law establish general policies to be followed by the Society in the operation and management of the zoological garden and related facilities.

Moneys

- (4) The Metropolitan Corporation may provide moneys to the Society for its purposes, including the operation and management of the zoological garden, but it shall not be responsible for any deficit or debt incurred by the Society unless the deficit or debt was incurred with the approval of the Metropolitan Council.

Society  
deemed not  
to be local  
board

- (5) Notwithstanding any delegation of powers or the making of an agreement between the Metropolitan Corporation and the Society under subsection 2, the Society shall be deemed not to be a local board of the Metropolitan Corporation, provided however that while such delegation or agreement is in effect, the accounts and transactions of the Society shall be audited by the auditor of the Metropolitan Corporation.

Occupation  
by Society  
deemed  
occupation  
by  
Metropolitan  
Corporation  
1968-69, c. 6

- (6) The occupation, management and control of lands by the Society under an agreement under subsection 1 shall be deemed, for the purposes of subsections 4 and 5 of section 223 of this Act and of paragraph 9 of section 3 of *The Assessment Act, 1968-69*, to be occupation, management and control by the Metropolitan Corporation of lands used for park purposes.

R.S.O. 1960,  
c. 260, s. 258,  
(1966, c. 96,  
s. 38),  
amended

**3.** Section 258 of *The Municipality of Metropolitan Toronto Act*, as re-enacted by section 38 of *The Municipality of Metropolitan Toronto Amendment Act, 1966*, is amended by striking out "not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the metropolitan levy is apportioned among the area municipalities under subsection 5 of section 230" in the second, third, fourth, fifth and sixth lines and inserting in lieu thereof "in such amounts as it may determine", so that the section shall read as follows:

Grants to  
persons  
engaged in  
work  
advant-  
ageous to  
Metropolitan  
Area

**258.** The Metropolitan Council may make annual grants, in such amounts as it may determine, to institutions, associations and persons carrying on or engaged in

SECTION 3. The amendment authorizes the Metropolitan Council to make grants under the section in its discretion. Formerly there was a limit of one-tenth of one mill in the dollar of the total assessment.





works that in the opinion of the Metropolitan Council are for the general advantage of the inhabitants of the Metropolitan Area and for which grant or grants there is no express authority provided by any other Act.

**4.**—(1) This Act, except section 2, comes into force on the day it receives Royal Assent. <sup>Commence-</sup><sub>ment</sub>

(2) Section 2 shall be deemed to have come into force on the 1st day of January, 1970. <sup>Idem</sup>

**5.** This Act may be cited as *The Municipality of Metropolitan Toronto Amendment Act, 1970*. <sup>Short title</sup>

An Act to amend  
The Municipality of Metropolitan Toronto  
Act

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*1st Reading*

June 17th, 1970

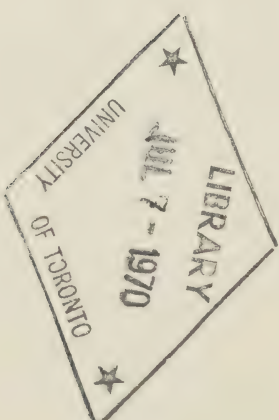
*2nd Reading*

*3rd Reading*

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MR. McKEOUGH

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**BILL 156**

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3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

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**An Act to amend  
The Municipality of Metropolitan Toronto Act**

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MR. McKEOUGH

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BILL 156

1970

## An Act to amend The Municipality of Metropolitan Toronto Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 112 of *The Municipality of Metropolitan Toronto Act* is amended by striking out “contributing toward the cost thereof” in the tenth and eleventh lines and inserting in lieu thereof “paying the whole or part of the cost thereof”, so that the subsection shall read as follows:

- (1) The Commission may provide by contract with an insurer licensed under *The Insurance Act* or with an association registered under *The Prepaid Hospital and Medical Services Act* or with a corporation to be known as the Toronto Transit Commission Sick Benefit Association, to be established subject to Part VI of *The Corporations Act*, for weekly sick-pay, special service, medical and surgical benefits for employees or any class thereof of the Commission and their wives or husbands and dependent children and retired employees in accordance with this section and for paying the whole or part of the cost thereof.

(2) Subsection 2 of the said section 112, as amended by section 5 of *The Municipality of Metropolitan Toronto Amendment Act, 1967*, is repealed.

2. *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following section:

225c.—(1) In this section, “Society” means the Metropolitan Toronto Zoological Society.

- (2) The Metropolitan Council may by by-law delegate to the Society any or all of the Council’s powers to operate and manage a zoological garden and related



facilities established by the Council, and may enter into one or more agreements with the Society entrusting such operation and management to the Society on such terms and conditions as the Council may consider proper.

By-laws  
re: operation  
and  
management

- (3) The Metropolitan Council may by by-law establish general policies to be followed by the Society in the operation and management of the zoological garden and related facilities.

Moneys

- (4) The Metropolitan Corporation may provide moneys to the Society for its purposes, including the operation and management of the zoological garden, but it shall not be responsible for any deficit or debt incurred by the Society unless the deficit or debt was incurred with the approval of the Metropolitan Council.

Society  
deemed not  
to be local  
board

- (5) Notwithstanding any delegation of powers or the making of an agreement between the Metropolitan Corporation and the Society under subsection 2, the Society shall be deemed not to be a local board of the Metropolitan Corporation, provided however that while such delegation or agreement is in effect, the accounts and transactions of the Society shall be audited by the auditor of the Metropolitan Corporation.

Occupation  
by Society  
deemed  
occupation  
by  
Metropolitan  
Corporation  
1968-69, c. 6

- (6) The occupation, management and control of lands by the Society under an agreement under subsection 1 shall be deemed, for the purposes of subsections 4 and 5 of section 223 of this Act and of paragraph 9 of section 3 of *The Assessment Act, 1968-69*, to be occupation, management and control by the Metropolitan Corporation of lands used for park purposes.

R.S.O. 1960,  
c. 260, s. 258,  
(1966, c. 96,  
s. 38),  
amended

**3.** Section 258 of *The Municipality of Metropolitan Toronto Act*, as re-enacted by section 38 of *The Municipality of Metropolitan Toronto Amendment Act, 1966*, is amended by striking out "not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the metropolitan levy is apportioned among the area municipalities under subsection 5 of section 230" in the second, third, fourth, fifth and sixth lines and inserting in lieu thereof "in such amounts as it may determine", so that the section shall read as follows:

Grants to  
persons  
engaged in  
work  
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Metropolitan  
Area

258. The Metropolitan Council may make annual grants, in such amounts as it may determine, to institutions, associations and persons carrying on or engaged in

works that in the opinion of the Metropolitan Council are for the general advantage of the inhabitants of the Metropolitan Area and for which grant or grants there is no express authority provided by any other Act.

4.—(1) This Act, except section 2, comes into force on the day it receives Royal Assent. <sup>Commence-</sup><sub>ment</sub>

(2) Section 2 shall be deemed to have come into force on the 1st day of January, 1970. <sup>Idem</sup>

5. This Act may be cited as *The Municipality of Metropolitan Toronto Amendment Act, 1970*. <sup>Short title</sup>





An Act to amend  
The Municipality of Metropolitan Toronto  
Act

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*1st Reading*

June 17th, 1970

*2nd Reading*

June 25th, 1970

*3rd Reading*

June 25th, 1970

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MR. McKEOUGH

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## BILL 157

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3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

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**An Act respecting the Village of Point Edward**

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MR. McKEOUGH

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#### EXPLANATORY NOTE

The Bill provides for the assessment of the Blue Water Bridge under section 27 of *The Assessment Act, 1968-69* rather than under section 36 of that Act.

## An Act respecting the Village of Point Edward

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding any other general or special Act, the real property vested in or controlled by the Blue Water Bridge Authority and located in the Village of Point Edward shall not be deemed a highway, lane or other communication or public square for the purposes of paragraph 8 of section 3 of *The Assessment Act, 1968-69* and section 36 of that Act does not apply to the structures of the said Authority and the said real property shall be assessed in accordance with section 27 of *The Assessment Act, 1968-69*. <sup>Assessment of Blue Water Bridge property 1968-69, c. 6</sup>

2. This Act comes into force on the day it receives Royal Assent. <sup>Commencement</sup>

3. This Act may be cited as *The Village of Point Edward Act, 1970*. <sup>Short title</sup>

An Act respecting the  
Village of Point Edward

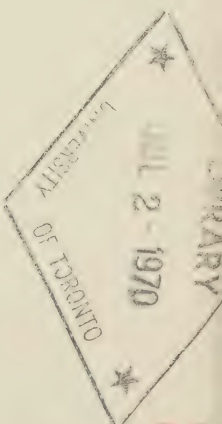
*1st Reading*

June 17th, 1970

*2nd Reading*

*3rd Reading*

MR. McKEOUGH



3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

**An Act respecting the Village of Point Edward**

MR. McKEOUGH



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER



BILL 157

1970

## An Act respecting the Village of Point Edward

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding any other general or special Act, the real property vested in or controlled by the Blue Water Bridge Authority and located in the Village of Point Edward shall not be deemed a highway, lane or other communication or public square for the purposes of paragraph 8 of section 3 of *The Assessment Act, 1968-69* and section 36 of that Act <sup>Assessment of Blue Water Bridge property 1968-69, c. 6</sup> does not apply to the structures of the said Authority and the said real property shall be assessed in accordance with section 27 of *The Assessment Act, 1968-69*.

2. This Act comes into force on the day it receives Royal Assent. <sup>Commence-ment</sup>

3. This Act may be cited as *The Village of Point Edward Act, 1970*. <sup>Short title</sup>



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An Act respecting the  
Village of Point Edward

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*1st Reading*

June 17th, 1970

*2nd Reading*

June 25th, 1970

*3rd Reading*

June 25th, 1970

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MR. McKEOUGH

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## BILL 158

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3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

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**An Act to amend  
The Sandwich, Windsor and Amherstburg Railway Act, 1930**

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MR. McKEOUGH

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TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

## EXPLANATORY NOTES

SECTION 1. Self-explanatory.

SECTION 2. The franchise agreement between the City of Windsor and the railway company respecting the operation of the railway is extended for a further ten-year period.

BILL 158

1970

**An Act to amend  
The Sandwich, Windsor and  
Amherstburg Railway Act, 1930**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Clause *a* of section 2 of *The Sandwich, Windsor and Amherstburg Railway Act, 1930* is repealed and the following substituted therefor: <sup>1930, c. 17, s. 2, cl. a, re-enacted</sup>

(a) “corporation” means The Corporation of the City of Windsor.

(2) The said section 2, as amended by section 1 of *The Sandwich, Windsor and Amherstburg Railway Act, 1939*, <sup>1930, c. 17, s. 2, amended</sup> is further amended by adding thereto the following clause:

(g) “council” means the council of the corporation.

**2.** Section 14 of the agreement authorized by *The Hydro-Electric Railway Act, 1914* and confirmed by *The Hydro-Electric Railway Act, 1920*, between The Hydro-Electric Power Commission of Ontario and the municipal corporation of the Township of Sandwich East, the Township of Sandwich West, the Town of Ford City, the Town of Walkerville, the Town of Sandwich, the Town of Ojibway, the Town of Amherstburg and the City of Windsor, as amended by section 7 of *The Sandwich, Windsor and Amherstburg Railway Act, 1930* and section 2 of *The Sandwich, Windsor and Amherstburg Railway Act, 1939*, is struck out and the following substituted therefor: <sup>Agreement of Jan. 1st, 1920, amended 1914, c. 31 1920, c. 57 1930, c. 17 1939, c. 43</sup>

14. This agreement shall continue and extend for a period of sixty years from the 4th day of June, 1920, unless terminated at an earlier date by by-law of the corporation.

Assets of  
railway  
vested in  
corporation

**3.** All of the assets, properties and undertakings of the company of every nature and kind and wheresoever situate are vested in and become the sole property of the corporation subject to the corporation assuming and being charged with the liability for payment of all accounts, debentures and other indebtedness of the company and to the due performance of all obligations of the company in respect of contracts, leases or other agreements entered into or undertaken by the company as if the corporation had incurred such indebtedness or been a party to every such contract, lease or agreement in the place and stead of the company.

Authority  
to operate  
and manage  
railway

**4.** The corporation has the exclusive authority and jurisdiction to,

- (a) operate the system of public transportation operated by the company;
- (b) delegate the authority to operate and manage the said system to a commission established by by-law of the corporation;
- (c) authorize the company to continue to operate and manage the said system; or
- (d) enter into or authorize the company to enter into an agreement with any person or persons to operate and manage the said system on behalf of the corporation on such terms and conditions as the council may approve.

1930, c. 17,  
s. 3  
(1939, c. 43,  
s. 3),  
subss. 2-6,  
re-enacted

**5.—**(1) Subsections 2, 3, 4, 5 and 6 of section 3 of *The Sandwich, Windsor and Amherstburg Railway Act, 1930*, as re-enacted by section 3 of *The Sandwich, Windsor and Amherstburg Railway Act, 1939*, are repealed and the following substituted therefor:

Members of  
company

- (2) The council shall appoint not fewer than three and not more than five persons who shall be the members and directors of the company and who shall hold office during the pleasure of the council and until their respective successors are appointed.

Vacancies

- (3) The council shall fill any vacancies which may occur in such membership of the company.

Qualifica-  
tions of  
membership

- (4) The members so appointed from time to time shall possess the qualifications requisite for election to the council and any member of council shall be eligible for such appointment.

SECTION 3. All the assets of the railway company are vested in the City of Windsor.

SECTION 4. The City of Windsor may operate the railway or cause it to be operated in any of the four alternative manners set out.

SECTION 5. The members of the railway company were formerly appointed by the Ontario Municipal Board; they will now be appointed by the Windsor city council.



SECTION 6. The repealed subsection required the company to obtain the approval of the Ontario Municipal Board before exercising certain powers; see note to section 9 of the Bill.

SECTION 7. The repealed section empowered the Lieutenant Governor in Council to vary the number of members of the railway company and, to appoint additional members.

SECTION 8. Where an agreement is entered into with any person to operate the railway, there is vested in that person all the powers, rights and privileges possessed by the company in respect of the operation of the railway; Windsor city council approval is required before such powers are exercised.

SECTION 9. Windsor city council replaces the Ontario Municipal Board as the supervisory authority over the company.

- (5) The council shall designate one of such members as <sup>Chairman</sup> chairman.
- (6) A majority of the members of the company shall <sup>Quorum</sup> constitute a quorum.
- (7) The remuneration, if any, of the members of the <sup>Remuneration</sup> company shall be fixed by the council.
- (8) The company shall furnish such information respect- <sup>Furnishing of</sup> ing the affairs of the company as the council may at information any time require.
- (2) The members of the company who are in office when this <sup>Composition of company</sup> Act comes into force shall remain in office and continue to before manage the affairs of the company until the members ap- appoint- pointed under subsection 2 of section 3 of *The Sandwich, Windsor and Amherstburg Railway Act, 1930*, as re-enacted by subsection 1, are appointed.

**6.** Subsection 3 of section 9 of *The Sandwich, Windsor and Amherstburg Railway Act, 1939*, as re-enacted by section 1 of <sup>1939, c. 43, s. 9, subs. 3</sup> *The Sandwich, Windsor and Amherstburg Railway Amendment* <sup>(1952, c. 95, s. 1),</sup> *Act, 1952*, is repealed.

**7.** Section 11 of *The Sandwich, Windsor and Amherstburg Railway Act, 1939* is repealed. <sup>1939, c. 43, s. 11, repealed</sup>

**8.**—(1) Where an agreement has been entered into with any <sup>Where agreement entered into with person to operate railway</sup> person or persons under clause *d* of section 4 to whom is delegated all or any of the operating authority of the company such person or persons may, subject to the restrictions and limitations binding upon the company, exercise all of the powers, rights, authorities and privileges heretofore possessed by the company in the operation and management of the system of public transportation operated by the company.

(2) Where an agreement has been entered into by the <sup>Idem</sup> company with any person or persons under clause *d* of section 4, the person or persons to whom the operating authority of the company has been delegated shall obtain the approval of the council before exercising any powers or authority relating to the operation of the public transportation system.

**9.** Where the corporation has authorized the company to <sup>Approval of council</sup> operate and manage the system under clause *c* of section 4, the company shall obtain the approval of the council before exercising any of its powers or authority.

Exclusive  
authority  
to operate  
public  
transporta-  
tion system

**10.** The authority of the corporation to operate a public transportation system within the limits of the City of Windsor shall be exclusive and notwithstanding the provisions of any general or special Act no person shall operate any public vehicle within the limits of Windsor for the transportation of passengers for hire, within the said City, except conveyances licensed as taxicabs, without the express written consent of the corporation.

Members of  
commission

**11.**—(1) Where a commission is established as provided in section 4, it shall be composed of not fewer than three and not more than five members appointed by the council, all of whom shall be residents of the City of Windsor, to hold office during the pleasure of council.

Chairman

(2) One of such members shall be designated by council as the chairman.

Vacancies

(3) Whenever a vacancy occurs from any cause, the council shall promptly appoint a successor.

Quorum

(4) A majority of the members of the commission shall form a quorum.

Remunera-  
tion

(5) The remuneration, if any, of members of the commission shall be established from time to time by the council.

Commence-  
ment

**12.** This Act comes into force on the day it receives Royal Assent.

Short title

**13.** This Act may be cited as *The Sandwich, Windsor and Amherstburg Railway Amendment Act, 1970*.

SECTION 10. The section is intended to make it clear that the City of Windsor has exclusive authority to operate a public transportation system within its limits.

SECTION 11. The composition and manner of appointment of a commission to operate the railway is prescribed.







An Act to amend  
The Sandwich, Windsor and  
Amherstburg Railway Act, 1930

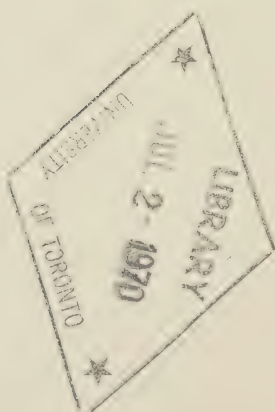
*1st Reading*

June 17th, 1970

*2nd Reading*

*3rd Reading*

MR. McKEOUGH



3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

An Act to amend  
The Sandwich, Windsor and Amherstburg Railway Act, 1930

MR. McKEOUGH





**An Act to amend  
The Sandwich, Windsor and  
Amherstburg Railway Act, 1930**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of section 2 of *The Sandwich, Windsor and Amherstburg Railway Act, 1930* is repealed and the following substituted therefor: 1930, c. 17, s. 2, cl. a, re-enacted

(a) “corporation” means The Corporation of the City of Windsor.

(2) The said section 2, as amended by section 1 of *The Sandwich, Windsor and Amherstburg Railway Act, 1939*, is further amended by adding thereto the following clause: 1930, c. 17, s. 2, amended

(g) “council” means the council of the corporation.

2. Section 14 of the agreement authorized by *The Hydro-Electric Railway Act, 1914* and confirmed by *The Hydro-Electric Railway Act, 1920*, between The Hydro-Electric Power Commission of Ontario and the municipal corporation of the Township of Sandwich East, the Township of Sandwich West, the Town of Ford City, the Town of Walkerville, the Town of Sandwich, the Town of Ojibway, the Town of Amherstburg and the City of Windsor, as amended by section 7 of *The Sandwich, Windsor and Amherstburg Railway Act, 1930* and section 2 of *The Sandwich, Windsor and Amherstburg Railway Act, 1939*, is struck out and the following substituted therefor: Agreement of Jan. 1st, 1920, amended 1914, c. 31 1920, c. 57 1930, c. 17 1939, c. 43

14. This agreement shall continue and extend for a period of sixty years from the 4th day of June, 1920, unless terminated at an earlier date by by-law of the corporation.

Assets of  
railway  
vested in  
corporation

**3.** All of the assets, properties and undertakings of the company of every nature and kind and wheresoever situate are vested in and become the sole property of the corporation subject to the corporation assuming and being charged with the liability for payment of all accounts, debentures and other indebtedness of the company and to the due performance of all obligations of the company in respect of contracts, leases or other agreements entered into or undertaken by the company as if the corporation had incurred such indebtedness or been a party to every such contract, lease or agreement in the place and stead of the company.

Authority  
to operate  
and manage  
railway

**4.** The corporation has the exclusive authority and jurisdiction to,

- (a) operate the system of public transportation operated by the company;
- (b) delegate the authority to operate and manage the said system to a commission established by by-law of the corporation;
- (c) authorize the company to continue to operate and manage the said system; or
- (d) enter into or authorize the company to enter into an agreement with any person or persons to operate and manage the said system on behalf of the corporation on such terms and conditions as the council may approve.

1930, c. 17,  
s. 3  
(1939, c. 43,  
s. 3),  
subss. 2-6,  
re-enacted

**5.—(1)** Subsections 2, 3, 4, 5 and 6 of section 3 of *The Sandwich, Windsor and Amherstburg Railway Act, 1930*, as re-enacted by section 3 of *The Sandwich, Windsor and Amherstburg Railway Act, 1939*, are repealed and the following substituted therefor:

Members of  
company

- (2) The council shall appoint not fewer than three and not more than five persons who shall be the members and directors of the company and who shall hold office during the pleasure of the council and until their respective successors are appointed.

Vacancies

- (3) The council shall fill any vacancies which may occur in such membership of the company.

Qualifica-  
tions of  
membership

- (4) The members so appointed from time to time shall possess the qualifications requisite for election to the council and any member of council shall be eligible for such appointment.

- (5) The council shall designate one of such members as <sup>Chairman</sup> chairman.
- (6) A majority of the members of the company shall <sup>Quorum</sup> constitute a quorum.
- (7) The remuneration, if any, of the members of the <sup>Remuneration</sup> company shall be fixed by the council.
- (8) The company shall furnish such information respect- <sup>Furnishing of</sup> ing the affairs of the company as the council may at <sup>information</sup> any time require.
- (2) The members of the company who are in office when this <sup>Composition of company</sup> Act comes into force shall remain in office and continue to <sup>before appoint-</sup> manage the affairs of the company until the members ap- <sup>ments</sup> pointed under subsection 2 of section 3 of *The Sandwich, Windsor and Amherstburg Railway Act, 1930*, as re-enacted by subsection 1, are appointed.

**6.** Subsection 3 of section 9 of *The Sandwich, Windsor and Amherstburg Railway Act, 1939*, as re-enacted by section 1 of <sup>1939, c. 43, s. 9, subs. 3 (1952, c. 95, s. 1), repealed</sup> *The Sandwich, Windsor and Amherstburg Railway Amendment Act, 1952*, is repealed.

**7.** Section 11 of *The Sandwich, Windsor and Amherstburg Railway Act, 1939* is repealed. <sup>1939, c. 43, s. 11, repealed</sup>

**8.—**(1) Where an agreement has been entered into with any <sup>Where agreement entered into with person to operate railway</sup> person or persons under clause *d* of section 4 to whom is delegated all or any of the operating authority of the company such person or persons may, subject to the restrictions and limitations binding upon the company, exercise all of the powers, rights, authorities and privileges heretofore possessed by the company in the operation and management of the system of public transportation operated by the company.

(2) Where an agreement has been entered into by the <sup>Idem</sup> company with any person or persons under clause *d* of section 4, the person or persons to whom the operating authority of the company has been delegated shall obtain the approval of the council before exercising any powers or authority relating to the operation of the public transportation system.

**9.** Where the corporation has authorized the company to <sup>Approval of council</sup> operate and manage the system under clause *c* of section 4, the company shall obtain the approval of the council before exercising any of its powers or authority.



Exclusive  
authority  
to operate  
public  
transporta-  
tion system

**10.** The authority of the corporation to operate a public transportation system within the limits of the City of Windsor shall be exclusive and notwithstanding the provisions of any general or special Act no person shall operate any public vehicle within the limits of Windsor for the transportation of passengers for hire, within the said City, except conveyances licensed as taxicabs, without the express written consent of the corporation.

Members of  
commission

**11.**—(1) Where a commission is established as provided in section 4, it shall be composed of not fewer than three and not more than five members appointed by the council, all of whom shall be residents of the City of Windsor, to hold office during the pleasure of council.

Chairman

(2) One of such members shall be designated by council as the chairman.

Vacancies

(3) Whenever a vacancy occurs from any cause, the council shall promptly appoint a successor.

Quorum

(4) A majority of the members of the commission shall form a quorum.

Remunera-  
tion

(5) The remuneration, if any, of members of the commission shall be established from time to time by the council.

Commence-  
ment

**12.** This Act comes into force on the day it receives Royal Assent.

Short title

**13.** This Act may be cited as *The Sandwich, Windsor and Amherstburg Railway Amendment Act, 1970*.



An Act to amend  
The Sandwich, Windsor and  
Amherstburg Railway Act, 1930

---

*1st Reading*

June 17th, 1970

*2nd Reading*

June 25th, 1970

*3rd Reading*

June 25th, 1970

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MR. McKEOUGH

**BILL 159**

3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

**An Act to amend The Corporations Tax Act**

MR. WHITE

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### EXPLANATORY NOTES

The majority of amendments contained in the Bill are those which result from the amendments to the *Income Tax Act* (Canada). The remaining amendments are of an administrative nature.

SECTION 1—Subsection 1. The amendment makes clear that all insurance corporations are subject to the applicable provisions of the Act.

SECTION 1—Subsection 2. The amendment will eliminate the need for filing documents with the Minister identical with those filed with the Minister of National Revenue. Evidence that the plan has been accepted for federal income tax purposes will make the plan acceptable for corporations tax purposes.

SECTION 2—Subsection 1. The amendment provides that for the purpose of allocating the taxable income of insurance corporations to the provinces and territories of Canada, total net premiums are restricted to the premiums that are included in computing the incomes of such corporations.

## An Act to amend The Corporations Tax Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Paragraph 21 of subsection 1 of section 1 of *The Corporations Tax Act*, as re-enacted by section 1 of *The Corporations Tax Amendment Act, 1968-69 (No. 2)*, is amended by inserting after “corporation” in the second line “with or without share capital”, so that the paragraph shall read as follows:

R.S.O. 1960,  
c. 73, s. 1,  
subs. 1,  
par. 21  
(1968-69,  
c. 19, s. 1),  
amended

21. “insurance corporation” or “insurer” means a corporation, with or without share capital, that carries on an insurance business.

(2) Paragraph 32 of subsection 1 of the said section 1, as amended by subsection 3 of section 1 of *The Corporations Tax Amendment Act, 1968*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 73, s. 1,  
subs. 1,  
par. 32,  
re-enacted

32. “registered pension fund or plan” means an employees’ superannuation or pension fund or plan accepted for registration by the Minister of National Revenue for purposes of the *Income Tax Act (Canada)* in respect of its constitution and operations for the fiscal year under consideration.
- R.S.C. 1952,  
c. 148

**2.**—(1) Subsection 10a of section 4 of *The Corporations Tax Act*, as enacted by subsection 2 of section 3 of *The Corporations Tax Amendment Act, 1968-69 (No. 2)*, is amended by adding at the end thereof “that are included in computing its income”, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 73, s. 4,  
subs. 10a  
(1968-69,  
c. 19, s. 3,  
subs. 2),  
amended

- (10a) Notwithstanding subsection 5, the proportion of the taxable income of an insurance corporation, other than an insurance corporation to which subsection 10 applies, that shall be deemed to have been
- Idem



earned in a fiscal year in a province or territory of Canada, outside Ontario, is that proportion of its taxable income for the fiscal year that the aggregate of,

- (a) its net premiums for the year in respect of insurance on properties situated in that province or territory of Canada, outside Ontario; and
- (b) its net premiums for the year in respect of insurance, other than on property, from contracts from persons resident in that province or territory of Canada, outside Ontario,

is of the total net premiums for the fiscal year in respect of insurance on properties situated in Canada and with respect to contracts with persons resident in Canada that are included in computing its income.

R.S.O. 1960,  
c. 73, s. 4,  
subs. 35  
(1962-63,  
c. 26, s. 1,  
subs. 1),  
re-enacted

(2) Subsection 35 of the said section 4, as re-enacted by subsection 1 of section 1 of *The Corporations Tax Amendment Act, 1962-63* and amended by subsection 2 of section 2 of *The Corporations Tax Amendment Act, 1967*, is repealed and the following substituted therefor:

Foreign  
tax credits

- (35) Where a corporation has a permanent establishment in Ontario and has received income in the fiscal year in the form of dividends, interest, rents or royalties that was derived from sources within a jurisdiction outside Canada or is deemed to have received income in the form of dividends and interest from a country outside Canada by virtue of the provisions of subsection 5 of section 79D of the *Income Tax Act* (Canada), hereinafter in this subsection referred to as "foreign investment income", or where a corporation having received foreign investment income in the fiscal year from sources within a jurisdiction outside Canada also received income in the fiscal year from a business carried on by it in that jurisdiction, hereinafter in this subsection referred to as "foreign business income", and where, for the purposes of subsection 1a of section 41 of the *Income Tax Act* (Canada), such foreign investment income has not been included as part of such foreign business income, and, for the purposes of subsections 5, 17, 18, 20, 22, 23 and 33, or such of those subsections as are applicable, has been excluded when calculating its gross revenue, or any

R.S.C. 1952,  
c. 148

Subsection 2. The amendment is consequential upon the enactment of the new section 53*b* of the Act by section 14 of this Bill. It has the effect of extending the provisions of section 4, subsection 35 of the Act to those corporations that are liable to tax under section 53*b* of the Act.

Subsection 3. The amendment brings the subsection in line with the *Income Tax Act* (Canada) and incorporates the change suggested by The Ontario Committee on Taxation. The purpose of the amendment is to clarify the liability for tax where the status of the corporation described in the subsection changes during the fiscal year.

part thereof, and where the corporation is entitled to a deduction under section 41 of the *Income Tax Act* (Canada), hereinafter in this subsection referred to as "foreign tax credit", with respect to any income or profits tax paid to such jurisdiction on such foreign investment income or on such foreign investment income and foreign business income or is deemed to have been paid as income or profits tax to such jurisdiction by virtue of the provisions of subsection 5 of section 79D of the *Income Tax Act* (Canada), the corporation may deduct from the tax otherwise payable under this section an amount equal to the lesser of,

- (a) 10 per cent of that part of such foreign investment income that is included in that portion of taxable income that remains after deducting from such taxable income the portions thereof deemed to have been earned in jurisdictions other than Ontario measured in accordance with subsections 5 to 34; or
- (b) the proportion of the deficiency between the foreign tax credit that would be allowed if no provincial tax abatement under section 40 of the *Income Tax Act* (Canada) were applicable and the foreign tax credit that is allowed when the provincial tax abatement provided by section 40 of the *Income Tax Act* (Canada) has been applied which,
  - (i) the amount of that portion of its taxable income for the fiscal year that is deemed to have been earned in Ontario measured in accordance with subsection 2 of section 40 of the *Income Tax Act* (Canada),

bears to,

- (ii) the total amount of the portions of its taxable income for the fiscal year that are deemed to have been earned in the provinces of Canada measured in accordance with subsection 2 of section 40 of the *Income Tax Act* (Canada).

(3) Subsection 37 of the said section 4, as amended by subsections 3 and 4 of section 3 of *The Corporations Tax Amendment Act, 1961-62* and subsections 3 and 4 of section 3 <sup>R.S.O. 1960, c. 73, s. 4, subs. 37, amended</sup>

of *The Corporations Tax Amendment Act, 1968*, is further amended by striking out "No tax is payable under this section by a corporation for a fiscal year when that corporation was" in the first and second lines and inserting in lieu thereof "No tax is payable under this section upon the taxable income of a corporation for a period when that corporation was".

R.S.O. 1960,  
c. 73, s. 4,  
subs. 37,  
cl. a  
(1968,  
c. 20, s. 3,  
subs. 3)  
subs. cl. ii,  
re-enacted

(4) Subclause ii of clause o of subsection 37 of the said section 4, as re-enacted by subsection 3 of section 3 of *The Corporations Tax Amendment Act, 1968*, is repealed and the following substituted therefor:

(ii) from bonds, debentures or other securities issued or guaranteed by

(A) the International Bank for Reconstruction and Development established by the Agreement for an International Bank for Reconstruction and Development approved by subsection 1 of section 2 of the *Bretton Woods Agreements Act*, or

R.S.C. 1952  
c. 19

(B) the Inter-American Development Bank,

the income from which securities is payable in Canadian currency, or

. . . . .

R.S.O. 1960,  
c. 73, s. 5a  
(1968-69,  
c. 19, s. 5),  
re-enacted

**3.** Section 5a of *The Corporations Tax Act*, as enacted by section 5 of *The Corporations Tax Amendment Act, 1968-69* (No. 2), is repealed and the following substituted therefor:

Apportion-  
ment of  
capital and  
other special  
tax

5a. Where a corporation has a fiscal year of less than 365 days, the tax otherwise payable by it under section 5, 7, 8, 9, 10 or 11 shall be in the proportion thereof that the number of days of such fiscal year bears to 365, except that this section does not apply,

(a) to any corporation to which subsection 1a, 17 or 18 of section 5 applies; or

(b) to any corporation the fiscal year of which does not end on the same date each year, but that has been accepted for purposes of assessment under this Act.

Subsection 4. The amendment would treat bonds, debentures or other securities of the Inter-American Development Bank in the same manner as those of the International Bank for Reconstruction and Development. A similar amendment was made to the *Income Tax Act* (Canada).

SECTION 3. The amendment clarifies the intent of the section. There is no change in intent or substance.



SECTION 4. The amendment is consequential upon the amendment proposed in section 14 of this Bill. It will require a corporation to include in its income profit or gains from the disposition of, or investment income from holding, a life insurance policy. A similar amendment was made to the *Income Tax Act* (Canada).

SECTION 5—Subsection 1. The amendment brings the subsection in line with the *Income Tax Act* (Canada) and incorporates the change suggested by The Ontario Committee on Taxation. The amendment makes clear that the provisions of the subsection apply to a corporation that has a permanent establishment in Canada that is the first owner of the obligation.

Subsection 2. The amendment requires the inclusion in the income of a corporation, the specified portion of an amount received under a life annuity contract entered into before June 14, 1963. A similar amendment was made to the *Income Tax Act* (Canada).

SECTION 6—Subsection 1. This amendment would prevent a corporation, in computing its income, from deducting interest paid on borrowed money used to buy a life insurance policy. A similar amendment was made to the *Income Tax Act* (Canada).

4. Section 17 of *The Corporations Tax Act* is amended by adding thereto the following clauses: R.S.O. 1960,  
c. 73, s. 17,  
amended

(ia) amounts that the corporation became entitled to receive in the fiscal year upon the disposition of an interest in a life insurance policy, to the extent provided by section 53b; insurance  
policy  
proceeds

(ib) amounts allocated to the corporation in the fiscal year by an insurer as provided by section 53b. Allocations  
under  
insurance  
policies

5.—(1) Subsection 2 of section 18 of *The Corporations Tax Act*, as enacted by section 6 of *The Corporations Tax Amendment Act, 1961-62*, is amended by striking out “and” in the forty-third line and inserting in lieu thereof “that”. R.S.O. 1960,  
c. 73, s. 18,  
subs. 2  
(1961-62,  
c. 23, s. 6),  
amended

(2) Clause *c* of subsection 5 of the said section 18, as enacted by section 3 of *The Corporations Tax Amendment Act, 1964*, is repealed and the following substituted therefor: R.S.O. 1960,  
c. 73, s. 18,  
subs. 5  
(1964,  
c. 11, s. 3)  
re-enacted

(c) in satisfaction of the rights of the corporation under a life annuity contract, as defined by regulation, that was entered into before the 14th day of June, 1963, except to the extent that the amount so received exceeds the aggregate of,

(i) the value of its rights under the contract on the second anniversary date of the contract to occur after the 22nd day of October, 1968, and

(ii) the aggregate of premiums paid by the corporation under the contract after the said second anniversary date.

6.—(1) Subclauses i and ii of clause *a* of subsection 1 of section 22 of *The Corporations Tax Act*, as amended by subsection 1 of section 11 of *The Corporations Tax Amendment Act, 1968*, are repealed and the following substituted therefor: R.S.O. 1960,  
c. 73, s. 22,  
subs. 1,  
cl. a,  
subs. i,  
ii,  
re-enacted

(i) borrowed money used for the purpose of earning income from a business or property, other than borrowed money used to acquire property the income from which would be exempt or to acquire an interest in a life insurance policy,

(ii) an amount payable for property acquired for the purpose of gaining or producing income therefrom or for the purpose of gaining or producing income

from a business, other than property the income from which would be exempt or property that is an interest in a life insurance policy, or

R.S.O. 1960,  
c. 73, s. 22,  
subs. 1,  
cl. n,  
repealed

(2) Clause *n* of subsection 1 of the said section 22 is repealed.

R.S.O. 1960,  
c. 73, s. 22,  
subs. 7,  
re-enacted

(3) Subsection 7 of the said section 22 is repealed and the following substituted therefor:

*Idem*

(7) For greater certainty, it is hereby declared that where a corporation has used borrowed money,

(a) to repay money previously borrowed; or

(b) to pay an amount payable for property described in subclause ii of clause *a* of subsection 1 previously acquired,

the borrowed money shall, for the purposes of section 66*a* and for clause *a* or *g* of subsection 1, be deemed to have been used for the purpose for which the money previously borrowed was used or was deemed by this subsection to have been used, or to acquire the property in respect of which the said amount was so payable, as the case may be.

R.S.O. 1960,  
c. 73, s. 28  
(1965,  
c. 22, s. 7),  
amended

7. Section 28 of *The Corporations Tax Act*, as enacted by section 7 of *The Corporations Tax Amendment Act, 1965*, is amended by adding thereto the following subsections:

Unpaid  
remuneration

(3) Where an amount in respect of a deductible outlay or expense that was owing by a corporation to a person as salary, wages or other remuneration in respect of an office or employment is unpaid at the end of the first fiscal year following the fiscal year in which the outlay or expense was incurred,

(a) the amount so unpaid shall be included in computing the corporation's income for the second fiscal year following the fiscal year in which the outlay or expense was incurred; or

(b) where the corporation and that person have filed an agreement in prescribed form on or before the day on or before which the corporation is required by section 71 to file its return of income for the first fiscal year

Subsection 2. The clause repealed was superfluous because of the re-enactment of section 43 of the Act by *The Corporations Tax Amendment Act, 1968-69*.

Subsection 3. The amendment is consequential upon the amendment proposed in section 18 of the Bill. It permits the corporation to elect to capitalize instead of deducting from income, the cost of borrowed money. A similar amendment was made to the *Income Tax Act* (Canada).

SECTION 7. The amendment sets out rules dealing with the situation where amounts in respect of unpaid remuneration owed by the corporation that are deductible by it for tax purposes have not been paid to the employee. A similar amendment was made to the *Income Tax Act* (Canada).

SECTION 8—Subsection 1. The amendment proposed clarifies the rules relating to the recapture of capital cost allowance in the case of proceeds of disposition of a vessel. A similar amendment was made to the *Income Tax Act* (Canada).

following the fiscal year in which the outlay or expense was incurred, for the purposes of this Act the following rules apply,

- (i) the amount so unpaid shall be deemed to have been paid by the corporation and received by that person on the first day of the said second fiscal year, and
  - (ii) that person shall be deemed to have made a loan to the corporation on the first day of the said second fiscal year in an amount equal to the amount so unpaid minus the amount, if any, deducted or withheld therefrom by the corporation on account of that person's tax for the said second fiscal year.
- (4) Where an amount in respect of a deductible outlay or expense described in subsection 3 that was owing by a corporation is unpaid at the time when the corporation is wound up, and the corporation is wound up before the end of the first fiscal year following the fiscal year in which the outlay or expense was incurred, the amount so unpaid shall be included in computing the corporation's income for the fiscal year in which it is wound up. Where unpaid at time corporation wound up
- (5) Subsection 1 does not apply in any case where sub- Application section 3 applies and subsection 2 does not apply in any case where subsection 4 applies.
- (6) Where, in respect of an amount described in sub- Late filing section 1 or 3 that was owing by a corporation to a person, an agreement in prescribed form for the purposes of this section is filed after the day on or before which the agreement is required to be filed for purposes of clause *b* of subsection 1 or clause *b* of subsection 3, as the case may be, both clauses *a* and *b* of subsection 1 or clauses *a* and *b* of subsection 3, as the case may be, apply in respect of the said amount, except that clause *a* of subsection 1 or clause *a* of subsection 3, as the case may be, shall be read and construed as requiring 25 per cent only of the said amount to be included in computing the corporation's income.

**8.—**(1) Clause *a* of subsection 13 of section 31 of *The Corporations Tax Act*, as enacted by subsection 5 of section 14 of *The Corporations Tax Amendment Act, 1968*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 73, s. 31,  
subs. 13  
(1968, c. 20,  
s. 14,  
subs. 5),  
cl. a,  
re-enacted



(a) subsection 1 does not apply to the proceeds of disposition,

(i) if an amount at least equal to the proceeds of disposition is used by the corporation, before 1974 and during the fiscal year of the corporation in which the vessel is disposed of or within four months from the end of that fiscal year, under conditions satisfactory to the Minister, either for replacement or to incur any conversion cost with respect to a vessel owned by the corporation, or

(ii) if the Minister certifies that the corporation has, on satisfactory terms, deposited,

(A) on or before the day on which it is required to file a return of its income for the fiscal year in which the vessel was disposed of, or

(B) on or before such day subsequent to the day referred to in subclause A, as the Minister may specify in respect of the corporation,

an amount at least equal to the tax that would, but for this subsection, be payable by the corporation under this Act in respect of the proceeds of disposition, or satisfactory security therefor, as a guarantee that the proceeds of disposition will be used before 1974 for replacement; and

R.S.O. 1960,  
c. 73, s. 31,  
subs. 17  
(1968,  
c. 20, s. 14,  
subs. 5),  
re-enacted

(2) Subsection 17 of the said section 31, as enacted by subsection 5 of section 14 of *The Corporations Tax Amendment Act, 1968*, is repealed and the following substituted therefor:

Disposition  
of deposits

(17) All or any part of a deposit made under subclause ii of clause a of subsection 13 may be paid out to or on behalf of any corporation which, under conditions satisfactory to the Minister and as a replacement for the vessel disposed of, acquires a vessel before 1974,

(a) that was constructed in Canada and is registered in Canada or is registered under conditions satisfactory to the Minister in any country or territory to which the British

Subsection 2. The amendment adds a reference to the new subsection 18, proposed by subsection 3 of this section of the Bill, and makes one other minor change in language. A similar amendment was made to the *Income Tax Act* (Canada).

Subsection 3. This new provision permits the Minister to refund, in certain circumstances, a deposit made pursuant to clause *a* of subsection 13 of section 31 and sets out the consequences of the making of such a refund. A similar amendment was made to the *Income Tax Act* (Canada).

Commonwealth Merchant Shipping Agreement (signed at London on the 10th day of December, 1931) applies; and

- (b) in respect of the capital cost of which no allowance has been made to any other corporation under this Act or the *Canadian Vessel Construction Assistance Act* (Canada) or the *Income Tax Act* (Canada),

R.S.C. 1952,  
cc. 43, 148

or incurs any conversion cost with respect to a vessel owned by the corporation that is registered in Canada or is registered under conditions satisfactory to the Minister in any country or territory to which the said British Commonwealth Merchant Shipping Agreement applies, but the ratio of the amount paid out to the amount of the deposit shall not exceed the ratio of the capital cost to it of the vessel or the conversion cost to it of the vessel, as the case may be, to the proceeds of disposition of the vessel disposed of; and any deposit or part of a deposit not so paid out before 1974 or not paid out pursuant to subsection 18 shall be paid to the Treasurer of Ontario.

- (3) The said section 31 is amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 73, s. 31,  
amended

- (18) Notwithstanding any other provision of this section, where a deposit was made by a corporation under subclause ii of clause *a* of subsection 13 and the proceeds of disposition in respect of which the deposit was made are not used by any corporation before 1974 under conditions satisfactory to the Minister as a replacement for the vessel disposed of,

Idem

- (a) to acquire a vessel described in clauses *a* and *b* of subsection 17; or
- (b) to incur any conversion cost with respect to a vessel owned by that corporation that is registered in Canada or is registered under conditions satisfactory to the Minister in any country or territory to which the British Commonwealth Merchant Shipping Agreement applies,

the Minister may refund to the corporation the deposit, or the part thereof not paid out to the corporation under subsection 17, as the case may be,

in which case there shall be added, in computing the income of the corporation for the fiscal year of the corporation in which the vessel was disposed of, that proportion of the amount that would have been included in computing its income by virtue of subsection 1 had the deposit not been made under subclause ii of clause *a* of subsection 13, that the portion of the proceeds of disposition not so used before 1974 as such a replacement is of the proceeds of disposition; and notwithstanding any other provision of this Act such reassessments of tax, interest or penalties shall be made as are necessary to give effect to this subsection.

R.S.O. 1960,  
c. 73, s. 39,  
subs. 3,  
re-enacted  
*Idem*

9. Subsection 3 of section 39 of *The Corporations Tax Act* is repealed and the following substituted therefor:

- (3) Paragraph 3 of subsection 1 does not apply to permit a corporation to deduct, for the purpose of computing its taxable income for a fiscal year, such part of a loss from farming sustained by it in another fiscal year as was not by virtue of section 24, deductible in computing its income for that other fiscal year, except to the extent of its income, if any, for the fiscal year from farming.

R.S.O. 1960,  
c. 73, s. 43  
(1968-69,  
c. 19, s. 12),  
subs. 1,  
re-enacted

10.—(1) Subsection 1 of section 43 of *The Corporations Tax Act*, as re-enacted by section 12 of *The Corporations Tax Amendment Act, 1968-69 (No. 2)*, is repealed and the following substituted therefor:

Insurance  
corporation  
and insurer  
defined

R.S.C. 1952,  
c. 148

- (1) For the purpose of this section, an “insurance corporation” or “insurer” means any corporation with or without share capital, to which section 68A of the *Income Tax Act* (Canada) applies.

R.S.O. 1960,  
c. 73, s. 43  
(1968-69,  
c. 19, s. 12),  
subs. 2,  
amended

- (2) Subsection 2 of the said section 43 is amended by inserting after “that” in the seventh line “for the purpose of section 4”, so that the subsection shall read as follows:

Calculation  
of taxable  
income

R.S.C. 1952,  
c. 148

- (2) Notwithstanding any other provision of this Act and in order that insurance corporations or insurers may be dealt with under this Act as they will be dealt with under Part I of the *Income Tax Act* (Canada) for fiscal years commencing or ending in 1969 and for subsequent fiscal years, it is hereby declared that for the purpose of section 4, the taxable incomes of such corporations for the purposes of this Act shall be the same as the taxable incomes of such corporations as determined for the purposes of Part I of the *Income Tax Act* (Canada).

SECTION 9. The amendment brings the subsection in line with the wording in the *Income Tax Act* (Canada) and establishes clearly the manner in which a loss from farming may be applied.

SECTION 10—Subsection 1. The amendment is complementary to the amendment contained in section 1 of the Bill.

Subsection 2. The amendment clarifies the purpose and intent of the subsection.



SECTION 11. The amendment is consequential upon the re-enactment of section 43 of the Act by section 12 of *The Corporations Tax Amendment Act, 1968-69 (No. 2)* and provides that where a provincial life insurance corporation converts to a mutual corporation there will not be any deemed accretions to the shareholders. A similar amendment was made to the *Income Tax Act (Canada)*.

SECTION 12. The section repealed is superfluous with the re-enactment of section 43 of the Act by section 12 of *The Corporations Tax Amendment Act, 1968-69 (No. 2)*.

SECTION 13. The addition of subsection 1a to section 53 of the Act eliminates the need for filing documents identical with those filed for purposes of registration under the *Income Tax Act (Canada)*. The addition of subsection 4 to section 53 will provide that any amount received after October 22, 1968 by a corporation from a trustee under a registered supplementary unemployment benefit plan to which the corporation has made payments, resulting from an amendment, modification or termination of the plan, shall be included in the income of the corporation.

SECTION 14. The amendment would require the corporation to include in its income the same profit or gain from the disposition of, or investment income from holding, a life insurance policy as it includes for purposes of the *Income Tax Act (Canada)*.

**11.** Section 44 of *The Corporations Tax Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 73, s. 44,  
re-enacted

44. Where a life insurance corporation that is incorporated under the laws of a province has applied an amount in payment for shares of the corporation purchased by it under the authority of a law of the province that provides for the conversion of the corporation into a mutual corporation by the purchase of its shares in accordance with the provisions of such law, Conversion  
of provincial  
life  
insurance  
corporation  
into mutual  
corporation

(a) section 19 does not apply to require the inclusion, in computing the income of a shareholder of the corporation of any part of that amount; and

(b) no part of that amount shall be deemed for the purposes of subsection 2 of section 43 to have been paid to shareholders or, for the purposes of section 54, to have been received as a dividend.

**12.** Section 49 of *The Corporations Tax Act* is repealed. R.S.O. 1960,  
c. 73, s. 49,  
repealed

**13.** Section 53 of *The Corporations Tax Act*, as re-enacted by section 25 of *The Corporations Tax Amendment Act, 1968*, is amended by adding thereto the following subsections: R.S.O. 1960,  
c. 73, s. 53  
(1968,  
c. 20, s. 25),  
amended

(1a) The Minister shall be deemed to have accepted for registration as a supplementary unemployment benefit plan under this Act every supplementary unemployment benefit plan that is accepted for registration by the Minister of National Revenue for Canada as a supplementary unemployment benefit plan under section 79A of the *Income Tax Act* (Canada). Plan  
deemed  
accepted  
  
R.S.C. 1952,  
c. 148

(4) There shall be included in computing the income for a fiscal year of a corporation that, as an employer, has made any payment to a trustee under a supplementary unemployment benefit plan, any amount received by the corporation in the year as a result of an amendment to or modification of the plan or as a result of the termination or winding up of the plan. Amounts  
received on  
amendment  
or winding  
up of plan

**14.** *The Corporations Tax Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 73,  
amended

Amounts  
included in  
computing  
policy-  
holder's  
income

53b. Where a corporation to which the provisions of section 79D of the *Income Tax Act* (Canada) apply, it is hereby declared that the amount to be included in its income for the purposes of this section shall be the same as is required to be included for the purposes of section 79D of the *Income Tax Act* (Canada).

R.S.O. 1960,  
c. 73, s. 57,  
subs. 4c  
(1966,  
c. 30, s. 9,  
subs. 3),  
amended

15.—(1) Subsection 4c of section 57 of *The Corporations Tax Act*, as re-enacted by subsection 3 of section 9 of *The Corporations Tax Amendment Act, 1966*, is amended by inserting after "1962" in the fourth line "and before the 23rd day of October, 1968".

R.S.O. 1960,  
c. 73, s. 57,  
subs. 4d, 4e  
(1962-63,  
c. 26, s. 8,  
subs. 6),  
re-enacted

(2) Subsections 4d and 4e of the said section 57, as enacted by subsection 6 of section 8 of *The Corporations Tax Amendment Act, 1962-63*, are repealed and the following substituted therefor:

Idem

(4ca) Where a right, licence or privilege described in subsection 4c was disposed of after the 22nd day of October, 1968,

(a) by a corporation described in subsection 3b; or

(b) by a corporation, other than a corporation described in subsection 3b, that was at the time of acquisition of such right, licence or privilege a corporation described in subsection 3b,

the amount receivable by the corporation as consideration for the disposition thereof shall be included in computing its income for its fiscal year in which the disposition was made, notwithstanding that the amount or any part thereof may not be received until a subsequent fiscal year.

Idem

(4d) Where a right, licence or privilege to explore for, drill for or take in Canada petroleum, natural gas or other related hydrocarbons, except coal, that was acquired after the 10th day of April, 1962, by a corporation other than a corporation described in subsection 3b is subsequently disposed of,

(a) before the 23rd day of October, 1968, any amount received by the corporation as consideration for the disposition thereof shall be included in computing its income for the fiscal year of the corporation in which the amount was received; or

SECTION 15. The amendment would change several subsections of section 57 of the Act to provide that proceeds from sales after October 22, 1968 of certain oil and gas rights be included in income in the fiscal year of the sale instead of when the proceeds are collected. A consequential amendment is proposed to section 60 of the Act (section 16 of the Bill) to allow a reserve in respect of that part of the proceeds not yet received. A similar amendment was made to the *Income Tax Act* (Canada).

SECTION 16—Subsections 1 and 3. These amendments are related to the amendments proposed by section 15 of the Bill. They will enable the corporation, except in the situations set out in subsection 7aa of section 60 of the Act, to deduct as a reserve the part of the amount required to be included in its income for the fiscal year by virtue of the amendments proposed by section 16 of the Bill that is not receivable until after the year.

Subsection 2. The subsection repealed was superfluous because of the re-enactment of section 43 of *The Corporations Tax Act* by section 12 of *The Corporations Tax Amendment Act, 1968-69* (No. 2).



(b) after the 22nd day of October, 1968, the <sup>Idem</sup> amount receivable by the corporation as consideration for the disposition thereof shall be included in computing its income for the fiscal year of the corporation in which the disposition was made, notwithstanding that the amount or any part thereof may not be received until a subsequent fiscal year.

(4e) Subsections 4c, 4ca, and 4d do not apply to any disposition by a corporation of any right, licence or privilege described in subsection 4b or 4c unless such right, licence or privilege was acquired by the corporation under an agreement, contract or arrangement described in subsection 4b.

(3) Subsection 4f of the said section 57, as enacted by <sup>R.S.O. 1960, c. 73, s. 57, subs. 4f (1962-63, c. 26, s. 8, subs. 6), amended</sup> subsection 6 of section 8 of *The Corporations Tax Amendment Act, 1962-63*, is amended by inserting after "4c" in the first line "4ca".

**16.**—(1) Subsection 1 of section 60 of *The Corporations Tax Act*, as amended by subsection 1 of section 20 of *The Corporations Tax Amendment Act, 1961-62*, is further amended by striking out "and" at the end of clause d, by striking out clause e, and by adding thereto the following clauses:

(da) where pursuant to subsection 4ca or 4d of section 57, an amount has been included in computing the corporation's income for the fiscal year or for a previous fiscal year in respect of the disposition after the 22nd day of October, 1968 of a right, licence or privilege described in that subsection and that amount or a part thereof is not receivable until a day that is after the end of the fiscal year, there may be deducted as a reserve in respect of that amount the part thereof that is not receivable until a day that is after the end of the fiscal year, and no deduction may be made in respect of that amount by virtue of clause d; and

(e) there shall be included the amounts deducted under clauses c, d and da in computing the income of the corporation for the immediately preceding fiscal year.

(2) Subsection 5 of the said section 60, as re-enacted by <sup>R.S.O. 1960, c. 73, s. 60, subs. 5 (1961-62, c. 23, s. 20, subs. 2), repealed</sup> subsection 2 of section 20 of *The Corporations Tax Amendment Act, 1961-62*, is repealed.



R.S.O. 1960, c. 73, s. 60, amended (3) The said section 60 is amended by adding thereto the following subsection:

Idem

(7aa) Clause *da* of subsection 1 does not apply to allow a deduction in computing the income of a corporation for a fiscal year where the corporation, at any time in the fiscal year or in the immediately following fiscal year,

- (a) ceases to have a permanent establishment in Canada;
- (b) becomes exempt from tax under any provision of this Act; or
- (c) if incorporated outside Canada ceases to be liable for the income taxes imposed under the Act.

R.S.O. 1960, c. 73, s. 64 (1966, c. 30, s. 10), re-enacted **17.** Section 64 of *The Corporations Tax Act*, as re-enacted by section 10 of *The Corporations Tax Amendment Act, 1966*, is repealed and the following substituted therefor:

Special mortgage reserve

64. In computing the income for a fiscal year of a corporation whose business includes the lending of money on the security of a mortgage, hypothec or agreement of sale of real property,

- (a) there shall be deducted and allowed as a reserve the same amount as is deducted and allowed for each fiscal year under clause *a* of section 85G of the *Income Tax Act* (Canada); and
- (b) there shall be included the same amount as is included for each fiscal year under clause *b* of section 85G of the *Income Tax Act* (Canada).

R.S.C. 1952, c. 148

R.S.O. 1960, c. 73, amended **18.** *The Corporations Tax Act* is amended by adding thereto the following section:

Acquisition of depreciable property

66a.—(1) Where in a fiscal year a corporation has acquired property in respect of which it is entitled to a deduction under regulations made under clause *a* of subsection 2 of section 22 in computing its income for that fiscal year, hereinafter in this section referred to as “depreciable property”, if it so elects in a manner prescribed on or before the day on or before which it is required by section 71 to file its return of income for the year,

SECTION 17. The amendment provides that for the 1969 and subsequent fiscal years a corporation will be allowed the same mortgage reserve as is allowed to it under the *Income Tax Act* (Canada).

SECTION 18. The addition of the new section 66a to the Act will enable a corporation at its option to capitalize instead of deducting as an expense the cost of borrowed money used to acquire depreciable property or used for the purpose of exploration, prospecting or development. A similar amendment was made to the *Income Tax Act* (Canada).



- (a) in computing its income for the fiscal year and for such of the three immediately preceding fiscal years as the corporation had, if any, clauses *a*, *e* and *f* of subsection 1 of section 22 do not apply to the amount or to the part of the amount specified by it in its election that, but for this subsection, would have been deductible in computing its income, other than exempt income, for the fiscal year and for those immediately preceding fiscal years, if any, by virtue of those clauses in respect of borrowed money used to acquire the depreciable property or the amount payable for the depreciable property acquired by it; and
- (b) the amount or the part of the amount, as the case may be, described in clause *a* shall be added to the capital cost to it of the depreciable property so acquired by it.
- (2) Where in a fiscal year a corporation has used borrowed money for the purpose of exploration, prospecting or development, and the expenses incurred by it in respect of the exploration, prospecting or development are deductible in computing its income for the fiscal year by virtue of section 57 or would be so deductible by virtue of that section if the corporation had sufficient income for the fiscal year to permit such a deduction to be made, if it so elects in prescribed manner on or before the day on or before which it is required by section 71 to file its return of income for the fiscal year,
- (a) in computing its income for the fiscal year and for such of the three immediately preceding fiscal years as the corporation had, if any, clauses *a*, *e* and *f* of subsection 1 of section 22 do not apply to the amount or to the part of the amount specified by it in its election that, but for this subsection, would have been deductible in computing its income, other than exempt income, for the fiscal year and for those immediately preceding fiscal years, if any, by virtue of those clauses in respect of the borrowed money used for the exploration, prospecting and development; and
- (b) the amount or the part of the amount, as the case may be, described in clause *a*

Borrowed  
money used  
for exploration,  
prospecting and  
development

shall be deemed to be exploration, prospecting and development expenses incurred by it in the fiscal year.

*Idem*

- (3) In computing the income of a corporation for a fiscal year, where the corporation,
  - (a) in any preceding fiscal year made an election under subsection 1 in respect of borrowed money used to acquire depreciable property or an amount payable for depreciable property acquired by it; and
  - (b) in each fiscal year, if any, after that preceding fiscal year and before the fiscal year, made an election under this subsection covering the total amount that, but for this subsection, would have been deductible in computing its income, other than exempt income, for each such fiscal year by virtue of clauses *a*, *e* and *f* of subsection 1 of section 22 in respect of the borrowed money used to acquire the depreciable property or the amount payable for the depreciable property acquired by it,

if it so elects in prescribed manner on or before the day on or before which it is required by section 71 to file its return of income for the fiscal year, clauses *a*, *e* and *f* of subsection 1 of section 22 do not apply to the amount or to the part of the amount specified by it in its election that, but for this subsection, would have been deductible in computing its income, other than exempt income, for the fiscal year by virtue of those clauses in respect of the borrowed money used to acquire the depreciable property or the amount payable for the depreciable property acquired by it, and the said amount or part of the amount, as the case may be, shall be added to the capital cost to it of the depreciable property so acquired by it.

*Idem*

- (4) In computing the income of a corporation for a fiscal year, where the corporation,
  - (a) in any preceding fiscal year made an election under subsection 2 in respect of borrowed money used for the purpose of exploration, prospecting or development; and





SECTION 19. The amendment limits the time in which the Minister may re-assess a corporation to six years unless the specific conditions referred to in clause *a* of the subsection apply, in which case the Minister may assess or re-assess at any time.

- (b) in each fiscal year, if any, after that preceding fiscal year and before the fiscal year, made an election under this subsection covering the total amount that, but for this subsection, would have been deductible in computing its income, other than exempt income, for each such fiscal year by virtue of clauses *a*, *e* and *f* of subsection 1 of section 22 in respect of the borrowed money used for the exploration, prospecting and development,

if it so elects in prescribed manner on or before the day on or before which it is required by section 71 to file its return of income for the fiscal year, clauses *a*, *e* and *f* of subsection 1 of section 22 do not apply to the amount or to the part of the amount specified by it in its election that, but for this subsection, would have been deductible in computing its income, other than exempt income, for the fiscal year by virtue of those clauses in respect of the borrowed money used for the exploration, prospecting and development, and the said amount or part of the amount, as the case may be, shall be deemed to be exploration, prospecting and development expenses incurred by it in the fiscal year.

- (5) Notwithstanding any other provision of this Act, <sup>Reassessments</sup> where a corporation has made an election in accordance with the provisions of subsection 1 or 2, such reassessments of tax, interest or penalties shall be made as are necessary to give effect thereto.
- (6) This section does not apply to a co-operative <sup>Co-operative corporations</sup> corporation for the period during which it was exempt by section 48 from payment of tax under this Act.

**19.** Subsection 4 of section 76 of *The Corporations Tax Act*, as amended by subsection 3 of section 38 of *The Corporations Tax Amendment Act, 1968*, is repealed and the following <sup>R.S.O. 1960, c. 73, s. 76, subs. 4, re-enacted</sup> substituted therefor:

- (4) The Minister may at any time assess tax, interest or <sup>Re-assessment</sup> penalties, or notify in writing any person by whom a return of income or other subject of tax for a fiscal year has been filed that no tax is payable for the fiscal year, and may,
- (a) at any time, if the corporation or person filing the return,

- (i) has made any misrepresentation or committed any fraud in filing the return or supplying any information under this Act, or
  - (ii) has failed to file financial statements with the return required to be filed under section 71, or
  - (iii) has been negligent in supplying any information under this Act, or
  - (iv) has filed with the Minister a waiver in a prescribed form within six years from the day of mailing of a notice of an original assessment or of a notification that no tax is payable for a fiscal year, or
  - (v) has claimed a deduction under section 51; and
- (b) within six years from the day referred to in subclause iv of clause a, in any other case,

reassess or make additional assessments or assess tax, interest or penalties, as the circumstances require.

R.S.O. 1960,  
c. 73,  
amended

**20.** *The Corporations Tax Act* is amended by adding thereto the following section:

Time for  
laying  
information

89a. An information in respect of an offence against this Act shall be laid within six years of the time when the matter of the information arose.

Application

**21.**—(1) Section 18 applies with respect to the 1968 and subsequent fiscal years.

Idem

(2) Subsection 1 of section 1, subsection 1 of section 2, sections 6, 10, 11 and 12, and subsection 2 of section 16 apply with respect to the 1969 and subsequent fiscal years.

Idem

(3) Subsection 2 of section 2, section 4, subsection 2 of section 5, section 14 and section 19 apply with respect to the 1970 and subsequent fiscal years.

Idem

(4) Subsections 3, 4, 5 and 6 of section 28 of the Act, as enacted by section 7 of this Act, is applicable to an outlay or expense incurred in a fiscal year ending after October 22nd, 1968.

SECTION 20. The amendment allows an information to be laid within six years after an offence against the Act arose.



**22.** This Act comes into force on the day it receives Royal <sup>Commence-</sup>  
Assent.<sup>ment</sup>

**23.** This Act may be cited as *The Corporations Tax* <sup>Short title</sup>  
*Amendment Act, 1970.*



An Act to amend  
The Corporations Tax Act

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*1st Reading*

June 18th, 1970

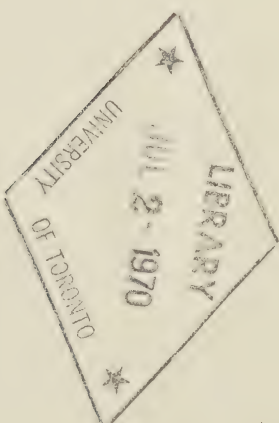
*2nd Reading*

*3rd Reading*

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MR. WHITE

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## BILL 159

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3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

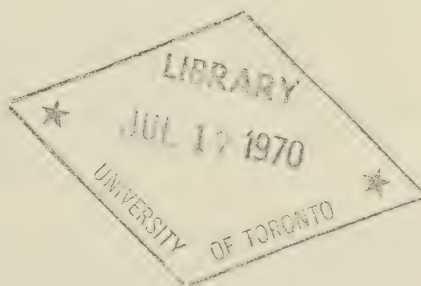
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An Act to amend The Corporations Tax Act

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MR. WHITE

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TORONTO

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BILL 159

1970

## An Act to amend The Corporations Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 21 of subsection 1 of section 1 of *The Corporations Tax Act*, as re-enacted by section 1 of *The Corporations Tax Amendment Act, 1968-69 (No. 2)*, is amended by inserting after “corporation” in the second line “with or without share capital”, so that the paragraph shall read as follows:

R.S.O. 1960,  
c. 73, s. 1,  
subs. 1,  
par. 21  
(1968-69,  
c. 19, s. 1)  
amended

21. “insurance corporation” or “insurer” means a corporation, with or without share capital, that carries on an insurance business.

(2) Paragraph 32 of subsection 1 of the said section 1, as amended by subsection 3 of section 1 of *The Corporations Tax Amendment Act, 1968*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 73, s. 1,  
subs. 1,  
par. 32,  
re-enacted

32. “registered pension fund or plan” means an employees’ superannuation or pension fund or plan accepted for registration by the Minister of National Revenue for purposes of the *Income Tax Act* (Canada) in respect of its constitution and operations for the fiscal year under consideration.
- R.S.C. 1952,  
c. 148

2.—(1) Subsection 10a of section 4 of *The Corporations Tax Act*, as enacted by subsection 2 of section 3 of *The Corporations Tax Amendment Act, 1968-69 (No. 2)*, is amended by adding at the end thereof “that are included in computing its income”, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 73, s. 4,  
subs. 10a  
(1968-69,  
c. 19, s. 3,  
subs. 2),  
amended

- (10a) Notwithstanding subsection 5, the proportion of the taxable income of an insurance corporation, other than an insurance corporation to which subsection 10 applies, that shall be deemed to have been
- Idem

earned in a fiscal year in a province or territory of Canada, outside Ontario, is that proportion of its taxable income for the fiscal year that the aggregate of,

- (a) its net premiums for the year in respect of insurance on properties situated in that province or territory of Canada, outside Ontario; and
- (b) its net premiums for the year in respect of insurance, other than on property, from contracts from persons resident in that province or territory of Canada, outside Ontario,

is of the total net premiums for the fiscal year in respect of insurance on properties situated in Canada and with respect to contracts with persons resident in Canada that are included in computing its income.

R.S.O. 1960,  
c. 73, s. 4,  
subs. 35,  
(1962-63,  
c. 26, s. 1,  
subs. 1),  
re-enacted

(2) Subsection 35 of the said section 4, as re-enacted by subsection 1 of section 1 of *The Corporations Tax Amendment Act, 1962-63* and amended by subsection 2 of section 2 of *The Corporations Tax Amendment Act, 1967*, is repealed and the following substituted therefor:

Foreign  
tax credits

- (35) Where a corporation has a permanent establishment in Ontario and has received income in the fiscal year in the form of dividends, interest, rents or royalties that was derived from sources within a jurisdiction outside Canada or is deemed to have received income in the form of dividends and interest from a country outside Canada by virtue of the provisions of subsection 5 of section 79D of the *Income Tax Act* (Canada), hereinafter in this subsection referred to as "foreign investment income", or where a corporation having received foreign investment income in the fiscal year from sources within a jurisdiction outside Canada also received income in the fiscal year from a business carried on by it in that jurisdiction, hereinafter in this subsection referred to as "foreign business income", and where, for the purposes of subsection 1a of section 41 of the *Income Tax Act* (Canada), such foreign investment income has not been included as part of such foreign business income, and, for the purposes of subsections 5, 17, 18, 20, 22, 23 and 33, or such of those subsections as are applicable, has been excluded when calculating its gross revenue, or any

R.S.C. 1952,  
c. 148

part thereof, and where the corporation is entitled to a deduction under section 41 of the *Income Tax Act* (Canada), hereinafter in this subsection referred to as "foreign tax credit", with respect to any income or profits tax paid to such jurisdiction on such foreign investment income or on such foreign investment income and foreign business income or is deemed to have been paid as income or profits tax to such jurisdiction by virtue of the provisions of subsection 5 of section 79D of the *Income Tax Act* (Canada), the corporation may deduct from the tax otherwise payable under this section an amount equal to the lesser of,

- (a) 10 per cent of that part of such foreign investment income that is included in that portion of taxable income that remains after deducting from such taxable income the portions thereof deemed to have been earned in jurisdictions other than Ontario measured in accordance with subsections 5 to 34; or
- (b) the proportion of the deficiency between the foreign tax credit that would be allowed if no provincial tax abatement under section 40 of the *Income Tax Act* (Canada) were applicable and the foreign tax credit that is allowed when the provincial tax abatement provided by section 40 of the *Income Tax Act* (Canada) has been applied which,
  - (i) the amount of that portion of its taxable income for the fiscal year that is deemed to have been earned in Ontario measured in accordance with subsection 2 of section 40 of the *Income Tax Act* (Canada),

bears to,

- (ii) the total amount of the portions of its taxable income for the fiscal year that are deemed to have been earned in the provinces of Canada measured in accordance with subsection 2 of section 40 of the *Income Tax Act* (Canada).

(3) Subsection 37 of the said section 4, as amended by subsections 3 and 4 of section 3 of *The Corporations Tax Amendment Act, 1961-62* and subsections 3 and 4 of section 3 <sup>R.S.O. 1960, c. 73, s. 4, subs. 37, amended</sup>



of *The Corporations Tax Amendment Act, 1968*, is further amended by striking out "No tax is payable under this section by a corporation for a fiscal year when that corporation was" in the first and second lines and inserting in lieu thereof "No tax is payable under this section upon the taxable income of a corporation for a period when that corporation was".

R.S.O. 1960,  
c. 73, s. 4,  
subs. 37,  
cl. o  
(1968,  
c. 20, s. 3,  
subs. 3)  
subs. cl. ii,  
re-enacted

(4) Subclause ii of clause o of subsection 37 of the said section 4, as re-enacted by subsection 3 of section 3 of *The Corporations Tax Amendment Act, 1968*, is repealed and the following substituted therefor:

(ii) from bonds, debentures or other securities issued or guaranteed by

(A) the International Bank for Reconstruction and Development established by the Agreement for an International Bank for Reconstruction and Development approved by subsection 1 of section 2 of the *Bretton Woods Agreements Act*, or

R.S.C. 1952  
c. 19

(B) the Inter-American Development Bank,

the income from which securities is payable in Canadian currency, or

. . . . .

R.S.O. 1960,  
c. 73, s. 5a  
(1968-69,  
c. 19, s. 5),  
re-enacted

**3.** Section 5a of *The Corporations Tax Act*, as enacted by section 5 of *The Corporations Tax Amendment Act, 1968-69 (No. 2)*, is repealed and the following substituted therefor:

Apportion-  
ment of  
capital and  
other special  
tax

5a. Where a corporation has a fiscal year of less than 365 days, the tax otherwise payable by it under section 5, 7, 8, 9, 10 or 11 shall be in the proportion thereof that the number of days of such fiscal year bears to 365, except that this section does not apply,

(a) to any corporation to which subsection 1a, 17 or 18 of section 5 applies; or

(b) to any corporation the fiscal year of which does not end on the same date each year, but that has been accepted for purposes of assessment under this Act.

4. Section 17 of *The Corporations Tax Act* is amended by adding thereto the following clauses: R.S.O. 1960,  
c. 73, s. 17,  
amended

(ia) amounts that the corporation became entitled to receive in the fiscal year upon the disposition of an interest in a life insurance policy, to the extent provided by section 53b; insurance  
policy  
proceeds

(ib) amounts allocated to the corporation in the fiscal year by an insurer as provided by section 53b. Allocations  
under  
insurance  
policies

5.—(1) Subsection 2 of section 18 of *The Corporations Tax Act*, as enacted by section 6 of *The Corporations Tax Amendment Act, 1961-62*, is amended by striking out “and” in the forty-third line and inserting in lieu thereof “that”. R.S.O. 1960,  
c. 73, s. 18,  
subs. 2  
(1961-62,  
c. 23, s. 6),  
amended

(2) Clause *c* of subsection 5 of the said section 18, as enacted by section 3 of *The Corporations Tax Amendment Act, 1964*, is repealed and the following substituted therefor: R.S.O. 1960,  
c. 73, s. 18,  
subs. 5  
(1964,  
c. 11, s. 3)  
cl. *c*,  
re-enacted

(c) in satisfaction of the rights of the corporation under a life annuity contract, as defined by regulation, that was entered into before the 14th day of June, 1963, except to the extent that the amount so received exceeds the aggregate of,

(i) the value of its rights under the contract on the second anniversary date of the contract to occur after the 22nd day of October, 1968, and

(ii) the aggregate of premiums paid by the corporation under the contract after the said second anniversary date.

6.—(1) Subclauses i and ii of clause *a* of subsection 1 of section 22 of *The Corporations Tax Act*, as amended by subsection 1 of section 11 of *The Corporations Tax Amendment Act, 1968*, are repealed and the following substituted therefor: R.S.O. 1960,  
c. 73, s. 22,  
subs. 1,  
cl. *a*,  
subs. i,  
ii,  
re-enacted

(i) borrowed money used for the purpose of earning income from a business or property, other than borrowed money used to acquire property the income from which would be exempt or to acquire an interest in a life insurance policy,

(ii) an amount payable for property acquired for the purpose of gaining or producing income therefrom or for the purpose of gaining or producing income

from a business, other than property the income from which would be exempt or property that is an interest in a life insurance policy, or

R.S.O. 1960,  
c. 73, s. 22,  
subs. 1,  
cl. n,  
repealed

(2) Clause *n* of subsection 1 of the said section 22 is repealed.

R.S.O. 1960,  
c. 73, s. 22,  
subs. 7,  
re-enacted

(3) Subsection 7 of the said section 22 is repealed and the following substituted therefor:

Idem

(7) For greater certainty, it is hereby declared that where a corporation has used borrowed money,

(a) to repay money previously borrowed; or

(b) to pay an amount payable for property described in subclause ii of clause *a* of subsection 1 previously acquired,

the borrowed money shall, for the purposes of section 66*a* and for clause *a* or *g* of subsection 1, be deemed to have been used for the purpose for which the money previously borrowed was used or was deemed by this subsection to have been used, or to acquire the property in respect of which the said amount was so payable, as the case may be.

R.S.O. 1960,  
c. 73, s. 28  
(1965,  
c. 22, s. 7),  
amended

7. Section 28 of *The Corporations Tax Act*, as enacted by section 7 of *The Corporations Tax Amendment Act, 1965*, is amended by adding thereto the following subsections:

Unpaid  
remuneration

(3) Where an amount in respect of a deductible outlay or expense that was owing by a corporation to a person as salary, wages or other remuneration in respect of an office or employment is unpaid at the end of the first fiscal year following the fiscal year in which the outlay or expense was incurred,

(a) the amount so unpaid shall be included in computing the corporation's income for the second fiscal year following the fiscal year in which the outlay or expense was incurred; or

(b) where the corporation and that person have filed an agreement in prescribed form on or before the day on or before which the corporation is required by section 71 to file its return of income for the first fiscal year

following the fiscal year in which the outlay or expense was incurred, for the purposes of this Act the following rules apply,

- (i) the amount so unpaid shall be deemed to have been paid by the corporation and received by that person on the first day of the said second fiscal year, and
  - (ii) that person shall be deemed to have made a loan to the corporation on the first day of the said second fiscal year in an amount equal to the amount so unpaid minus the amount, if any, deducted or withheld therefrom by the corporation on account of that person's tax for the said second fiscal year.
- (4) Where an amount in respect of a deductible outlay or expense described in subsection 3 that was owing by a corporation is unpaid at the time when the corporation is wound up, and the corporation is wound up before the end of the first fiscal year following the fiscal year in which the outlay or expense was incurred, the amount so unpaid shall be included in computing the corporation's income for the fiscal year in which it is wound up. Where unpaid at time corporation wound up
- (5) Subsection 1 does not apply in any case where sub- Application section 3 applies and subsection 2 does not apply in any case where subsection 4 applies.
- (6) Where, in respect of an amount described in sub- Late filing section 1 or 3 that was owing by a corporation to a person, an agreement in prescribed form for the purposes of this section is filed after the day on or before which the agreement is required to be filed for purposes of clause *b* of subsection 1 or clause *b* of subsection 3, as the case may be, both clauses *a* and *b* of subsection 1 or clauses *a* and *b* of subsection 3, as the case may be, apply in respect of the said amount, except that clause *a* of subsection 1 or clause *a* of subsection 3, as the case may be, shall be read and construed as requiring 25 per cent only of the said amount to be included in computing the corporation's income.

8.—(1) Clause *a* of subsection 13 of section 31 of *The Corporations Tax Act*, as enacted by subsection 5 of section 14 of *The Corporations Tax Amendment Act, 1968*, is repealed and the following substituted therefor: R.S.O. 1960, c. 73, s. 31, subs. 13 (1968, c. 20 s. 14, subs. 5), cl. a, re-enacted



(a) subsection 1 does not apply to the proceeds of disposition,

(i) if an amount at least equal to the proceeds of disposition is used by the corporation, before 1974 and during the fiscal year of the corporation in which the vessel is disposed of or within four months from the end of that fiscal year, under conditions satisfactory to the Minister, either for replacement or to incur any conversion cost with respect to a vessel owned by the corporation, or

(ii) if the Minister certifies that the corporation has, on satisfactory terms, deposited,

(A) on or before the day on which it is required to file a return of its income for the fiscal year in which the vessel was disposed of, or

(B) on or before such day subsequent to the day referred to in subclause A, as the Minister may specify in respect of the corporation,

an amount at least equal to the tax that would, but for this subsection, be payable by the corporation under this Act in respect of the proceeds of disposition, or satisfactory security therefor, as a guarantee that the proceeds of disposition will be used before 1974 for replacement; and

. . . . .

R.S.O. 1960,  
c. 73, s. 31,  
subs. 17  
(1968,  
c. 20, s. 14,  
subs. 5),  
re-enacted

(2) Subsection 17 of the said section 31, as enacted by subsection 5 of section 14 of *The Corporations Tax Amendment Act, 1968*, is repealed and the following substituted therefor:

Disposition  
of deposits

(17) All or any part of a deposit made under subclause ii of clause *a* of subsection 13 may be paid out to or on behalf of any corporation which, under conditions satisfactory to the Minister and as a replacement for the vessel disposed of, acquires a vessel before 1974,

(a) that was constructed in Canada and is registered in Canada or is registered under conditions satisfactory to the Minister in any country or territory to which the British

Commonwealth Merchant Shipping Agreement (signed at London on the 10th day of December, 1931) applies; and

- (b) in respect of the capital cost of which no allowance has been made to any other corporation under this Act or the *Canadian Vessel Construction Assistance Act* (Canada) or the *Income Tax Act* (Canada),

R.S.C. 1952,  
cc. 43, 148

or incurs any conversion cost with respect to a vessel owned by the corporation that is registered in Canada or is registered under conditions satisfactory to the Minister in any country or territory to which the said British Commonwealth Merchant Shipping Agreement applies, but the ratio of the amount paid out to the amount of the deposit shall not exceed the ratio of the capital cost to it of the vessel or the conversion cost to it of the vessel, as the case may be, to the proceeds of disposition of the vessel disposed of; and any deposit or part of a deposit not so paid out before 1974 or not paid out pursuant to subsection 18 shall be paid to the Treasurer of Ontario.

- (3) The said section 31 is amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 73, s. 31,  
amended

- (18) Notwithstanding any other provision of this section, where a deposit was made by a corporation under subclause ii of clause *a* of subsection 13 and the proceeds of disposition in respect of which the deposit was made are not used by any corporation before 1974 under conditions satisfactory to the Minister as a replacement for the vessel disposed of,

*Idem*

- (a) to acquire a vessel described in clauses *a* and *b* of subsection 17; or
- (b) to incur any conversion cost with respect to a vessel owned by that corporation that is registered in Canada or is registered under conditions satisfactory to the Minister in any country or territory to which the British Commonwealth Merchant Shipping Agreement applies,

the Minister may refund to the corporation the deposit, or the part thereof not paid out to the corporation under subsection 17, as the case may be,



in which case there shall be added, in computing the income of the corporation for the fiscal year of the corporation in which the vessel was disposed of, that proportion of the amount that would have been included in computing its income by virtue of subsection 1 had the deposit not been made under subclause ii of clause *a* of subsection 13, that the portion of the proceeds of disposition not so used before 1974 as such a replacement is of the proceeds of disposition; and notwithstanding any other provision of this Act such reassessments of tax, interest or penalties shall be made as are necessary to give effect to this subsection.

R.S.O. 1960,  
c. 73, s. 39,  
subs. 3,  
re-enacted

9. Subsection 3 of section 39 of *The Corporations Tax Act* is repealed and the following substituted therefor:

Idem

- (3) Paragraph 3 of subsection 1 does not apply to permit a corporation to deduct, for the purpose of computing its taxable income for a fiscal year, such part of a loss from farming sustained by it in another fiscal year as was not by virtue of section 24, deductible in computing its income for that other fiscal year, except to the extent of its income, if any, for the fiscal year from farming.

R.S.O. 1960,  
c. 73, s. 43  
(1968-69,  
c. 19, s. 12),  
subs. 1,  
re-enacted

10.—(1) Subsection 1 of section 43 of *The Corporations Tax Act*, as re-enacted by section 12 of *The Corporations Tax Amendment Act, 1968-69 (No. 2)*, is repealed and the following substituted therefor:

Insurance  
corporation  
and insurer  
defined

- (1) For the purpose of this section, an “insurance corporation” or “insurer” means any corporation with or without share capital, to which section 68A of the *Income Tax Act* (Canada) applies.

R.S.C. 1952,  
c. 148

R.S.O. 1960,  
c. 73, s. 43  
(1968-69,  
c. 19, s. 12),  
subs. 2,  
amended

- (2) Subsection 2 of the said section 43 is amended by inserting after “that” in the seventh line “for the purpose of section 4”, so that the subsection shall read as follows:

Calculation  
of taxable  
income

- (2) Notwithstanding any other provision of this Act and in order that insurance corporations or insurers may be dealt with under this Act as they will be dealt with under Part I of the *Income Tax Act* (Canada) for fiscal years commencing or ending in 1969 and for subsequent fiscal years, it is hereby declared that for the purpose of section 4, the taxable incomes of such corporations for the purposes of this Act shall be the same as the taxable incomes of such corporations as determined for the purposes of Part I of the *Income Tax Act* (Canada).

R.S.C. 1952,  
c. 148

**11.** Section 44 of *The Corporations Tax Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 73, s. 44,  
re-enacted

44. Where a life insurance corporation that is incorporated under the laws of a province has applied an amount in payment for shares of the corporation purchased by it under the authority of a law of the province that provides for the conversion of the corporation into a mutual corporation by the purchase of its shares in accordance with the provisions of such law, Conversion  
of provincial  
life  
insurance  
corporation  
into mutual  
corporation

(a) section 19 does not apply to require the inclusion, in computing the income of a shareholder of the corporation of any part of that amount; and

(b) no part of that amount shall be deemed for the purposes of subsection 2 of section 43 to have been paid to shareholders or, for the purposes of section 54, to have been received as a dividend.

**12.** Section 49 of *The Corporations Tax Act* is repealed. R.S.O. 1960,  
c. 73, s. 49,  
repealed

**13.** Section 53 of *The Corporations Tax Act*, as re-enacted by section 25 of *The Corporations Tax Amendment Act, 1968*, is amended by adding thereto the following subsections: R.S.O. 1960,  
c. 73, s. 53  
(1968,  
c. 20, s. 25),  
amended

(1a) The Minister shall be deemed to have accepted for registration as a supplementary unemployment benefit plan under this Act every supplementary unemployment benefit plan that is accepted for registration by the Minister of National Revenue for Canada as a supplementary unemployment benefit plan under section 79A of the *Income Tax Act* (Canada). Plan  
deemed  
accepted  
  
R.S.C. 1952,  
c. 148

(4) There shall be included in computing the income for a fiscal year of a corporation that, as an employer, has made any payment to a trustee under a supplementary unemployment benefit plan, any amount received by the corporation in the year as a result of an amendment to or modification of the plan or as a result of the termination or winding up of the plan. Amounts  
received on  
amendment  
or winding  
up of plan

**14.** *The Corporations Tax Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 73,  
amended

Amounts  
included in  
computing  
policy-  
holder's  
income

53b. Where a corporation to which the provisions of section 79D of the *Income Tax Act* (Canada) apply, it is hereby declared that the amount to be included in its income for the purposes of this section shall be the same as is required to be included for the purposes of section 79D of the *Income Tax Act* (Canada).

R.S.O. 1960,  
c. 73, s. 57,  
subs. 4c  
(1966,  
c. 30, s. 9,  
subs. 3),  
amended

15.—(1) Subsection 4c of section 57 of *The Corporations Tax Act*, as re-enacted by subsection 3 of section 9 of *The Corporations Tax Amendment Act, 1966*, is amended by inserting after "1962" in the fourth line "and before the 23rd day of October, 1968".

R.S.O. 1960,  
c. 73, s. 57,  
subs. 4d, 4e  
(1962-63,  
c. 26, s. 8,  
subs. 6),  
re-enacted

(2) Subsections 4d and 4e of the said section 57, as enacted by subsection 6 of section 8 of *The Corporations Tax Amendment Act, 1962-63*, are repealed and the following substituted therefor:

Idem

(4ca) Where a right, licence or privilege described in subsection 4c was disposed of after the 22nd day of October, 1968,

(a) by a corporation described in subsection 3b; or

(b) by a corporation, other than a corporation described in subsection 3b, that was at the time of acquisition of such right, licence or privilege a corporation described in subsection 3b,

the amount receivable by the corporation as consideration for the disposition thereof shall be included in computing its income for its fiscal year in which the disposition was made, notwithstanding that the amount or any part thereof may not be received until a subsequent fiscal year.

Idem

(4d) Where a right, licence or privilege to explore for, drill for or take in Canada petroleum, natural gas or other related hydrocarbons, except coal, that was acquired after the 10th day of April, 1962, by a corporation other than a corporation described in subsection 3b is subsequently disposed of,

(a) before the 23rd day of October, 1968, any amount received by the corporation as consideration for the disposition thereof shall be included in computing its income for the fiscal year of the corporation in which the amount was received; or

(b) after the 22nd day of October, 1968, the <sup>Idem</sup> amount receivable by the corporation as consideration for the disposition thereof shall be included in computing its income for the fiscal year of the corporation in which the disposition was made, notwithstanding that the amount or any part thereof may not be received until a subsequent fiscal year.

(4e) Subsections 4c, 4ca, and 4d do not apply to any disposition by a corporation of any right, licence or privilege described in subsection 4b or 4c unless such right, licence or privilege was acquired by the corporation under an agreement, contract or arrangement described in subsection 4b.

(3) Subsection 4f of the said section 57, as enacted by subsection 6 of section 8 of *The Corporations Tax Amendment Act, 1962-63*, is amended by inserting after "4c" in the first line "4ca". <sup>R.S.O. 1960, c. 73, s. 57, subs. 4f (1962-63, c. 26, s. 8, subs. 6), amended</sup>

**16.**—(1) Subsection 1 of section 60 of *The Corporations Tax Act*, as amended by subsection 1 of section 20 of *The Corporations Tax Amendment Act, 1961-62*, is further amended by striking out "and" at the end of clause d, by striking out clause e, and by adding thereto the following clauses: <sup>R.S.O. 1960, c. 73, s. 60, subs. 1, amended</sup>

(da) where pursuant to subsection 4ca or 4d of section 57, an amount has been included in computing the corporation's income for the fiscal year or for a previous fiscal year in respect of the disposition after the 22nd day of October, 1968 of a right, licence or privilege described in that subsection and that amount or a part thereof is not receivable until a day that is after the end of the fiscal year, there may be deducted as a reserve in respect of that amount the part thereof that is not receivable until a day that is after the end of the fiscal year, and no deduction may be made in respect of that amount by virtue of clause d; and

(e) there shall be included the amounts deducted under clauses c, d and da in computing the income of the corporation for the immediately preceding fiscal year.

(2) Subsection 5 of the said section 60, as re-enacted by subsection 2 of section 20 of *The Corporations Tax Amendment Act, 1961-62*, is repealed. <sup>R.S.O. 1960, c. 73, s. 60, subs. 5 (1961-62, c. 23, s. 20, subs. 2), repealed</sup>



R.S.O. 1960,  
c. 73, s. 60,  
amended (3) The said section 60 is amended by adding thereto the following subsection:

Idem

(7aa) Clause *da* of subsection 1 does not apply to allow a deduction in computing the income of a corporation for a fiscal year where the corporation, at any time in the fiscal year or in the immediately following fiscal year,

- (a) ceases to have a permanent establishment in Canada;
- (b) becomes exempt from tax under any provision of this Act; or
- (c) if incorporated outside Canada ceases to be liable for the income taxes imposed under the Act.

R.S.O. 1960,  
c. 73, s. 64  
(1966,  
c. 30, s. 10),  
re-enacted **17.** Section 64 of *The Corporations Tax Act*, as re-enacted by section 10 of *The Corporations Tax Amendment Act, 1966*, is repealed and the following substituted therefor:

Special  
mortgage  
reserve

64. In computing the income for a fiscal year of a corporation whose business includes the lending of money on the security of a mortgage, hypothec or agreement of sale of real property,

- (a) there shall be deducted and allowed as a reserve the same amount as is deducted and allowed for each fiscal year under clause *a* of section 85G of the *Income Tax Act* (Canada); and
- (b) there shall be included the same amount as is included for each fiscal year under clause *b* of section 85G of the *Income Tax Act* (Canada).

R.S.C. 1952,  
c. 148

R.S.O. 1960,  
c. 73,  
amended **18.** *The Corporations Tax Act* is amended by adding thereto the following section:

Acquisition  
of depreci-  
able  
property

66a.—(1) Where in a fiscal year a corporation has acquired property in respect of which it is entitled to a deduction under regulations made under clause *a* of subsection 2 of section 22 in computing its income for that fiscal year, hereinafter in this section referred to as “depreciable property”, if it so elects in a manner prescribed on or before the day on or before which it is required by section 71 to file its return of income for the year,

- (a) in computing its income for the fiscal year and for such of the three immediately preceding fiscal years as the corporation had, if any, clauses *a*, *e* and *f* of subsection 1 of section 22 do not apply to the amount or to the part of the amount specified by it in its election that, but for this subsection, would have been deductible in computing its income, other than exempt income, for the fiscal year and for those immediately preceding fiscal years, if any, by virtue of those clauses in respect of borrowed money used to acquire the depreciable property or the amount payable for the depreciable property acquired by it; and
- (b) the amount or the part of the amount, as the case may be, described in clause *a* shall be added to the capital cost to it of the depreciable property so acquired by it.
- (2) Where in a fiscal year a corporation has used borrowed money for the purpose of exploration, prospecting or development, and the expenses incurred by it in respect of the exploration, prospecting or development are deductible in computing its income for the fiscal year by virtue of section 57 or would be so deductible by virtue of that section if the corporation had sufficient income for the fiscal year to permit such a deduction to be made, if it so elects in prescribed manner on or before the day on or before which it is required by section 71 to file its return of income for the fiscal year,
- (a) in computing its income for the fiscal year and for such of the three immediately preceding fiscal years as the corporation had, if any, clauses *a*, *e* and *f* of subsection 1 of section 22 do not apply to the amount or to the part of the amount specified by it in its election that, but for this subsection, would have been deductible in computing its income, other than exempt income, for the fiscal year and for those immediately preceding fiscal years, if any, by virtue of those clauses in respect of the borrowed money used for the exploration, prospecting and development; and
- (b) the amount or the part of the amount, as the case may be, described in clause *a*



shall be deemed to be exploration, prospecting and development expenses incurred by it in the fiscal year.

*Idem*

- (3) In computing the income of a corporation for a fiscal year, where the corporation,

- (a) in any preceding fiscal year made an election under subsection 1 in respect of borrowed money used to acquire depreciable property or an amount payable for depreciable property acquired by it; and
- (b) in each fiscal year, if any, after that preceding fiscal year and before the fiscal year, made an election under this subsection covering the total amount that, but for this subsection, would have been deductible in computing its income, other than exempt income, for each such fiscal year by virtue of clauses *a*, *e* and *f* of subsection 1 of section 22 in respect of the borrowed money used to acquire the depreciable property or the amount payable for the depreciable property acquired by it,

if it so elects in prescribed manner on or before the day on or before which it is required by section 71 to file its return of income for the fiscal year, clauses *a*, *e* and *f* of subsection 1 of section 22 do not apply to the amount or to the part of the amount specified by it in its election that, but for this subsection, would have been deductible in computing its income, other than exempt income, for the fiscal year by virtue of those clauses in respect of the borrowed money used to acquire the depreciable property or the amount payable for the depreciable property acquired by it, and the said amount or part of the amount, as the case may be, shall be added to the capital cost to it of the depreciable property so acquired by it.

*Idem*

- (4) In computing the income of a corporation for a fiscal year, where the corporation,

- (a) in any preceding fiscal year made an election under subsection 2 in respect of borrowed money used for the purpose of exploration, prospecting or development; and

- (b) in each fiscal year, if any, after that preceding fiscal year and before the fiscal year, made an election under this subsection covering the total amount that, but for this subsection, would have been deductible in computing its income, other than exempt income, for each such fiscal year by virtue of clauses *a*, *e* and *f* of subsection 1 of section 22 in respect of the borrowed money used for the exploration, prospecting and development,

if it so elects in prescribed manner on or before the day on or before which it is required by section 71 to file its return of income for the fiscal year, clauses *a*, *e* and *f* of subsection 1 of section 22 do not apply to the amount or to the part of the amount specified by it in its election that, but for this subsection, would have been deductible in computing its income, other than exempt income, for the fiscal year by virtue of those clauses in respect of the borrowed money used for the exploration, prospecting and development, and the said amount or part of the amount, as the case may be, shall be deemed to be exploration, prospecting and development expenses incurred by it in the fiscal year.

- (5) Notwithstanding any other provision of this Act, where a corporation has made an election in accordance with the provisions of subsection 1 or 2, such reassessments of tax, interest or penalties shall be made as are necessary to give effect thereto.

- (6) This section does not apply to a co-operative corporation for the period during which it was exempt by section 48 from payment of tax under this Act.

**19.** Subsection 4 of section 76 of *The Corporations Tax Act*, as amended by subsection 3 of section 38 of *The Corporations Tax Amendment Act, 1968*, is repealed and the following substituted therefor:

- (4) The Minister may at any time assess tax, interest or penalties, or notify in writing any person by whom a return of income or other subject of tax for a fiscal year has been filed that no tax is payable for the fiscal year, and may,

- (a) at any time, if the corporation or person filing the return,

- (i) has made any misrepresentation or committed any fraud in filing the return or supplying any information under this Act, or
- (ii) has failed to file financial statements with the return required to be filed under section 71, or
- (iii) has been negligent in supplying any information under this Act, or
- (iv) has filed with the Minister a waiver in a prescribed form within six years from the day of mailing of a notice of an original assessment or of a notification that no tax is payable for a fiscal year, or
- (v) has claimed a deduction under section 51; and

(b) within six years from the day referred to in subclause iv of clause a, in any other case,

reassess or make additional assessments or assess tax, interest or penalties, as the circumstances require.

R.S.O. 1960,  
c. 73,  
amended

**20.** *The Corporations Tax Act* is amended by adding thereto the following section:

Time for  
laying  
information

89a. An information in respect of an offence against this Act shall be laid within six years of the time when the matter of the information arose.

Application

**21.**—(1) Section 18 applies with respect to the 1968 and subsequent fiscal years.

Idem

(2) Subsection 1 of section 1, subsection 1 of section 2, sections 6, 10, 11 and 12, and subsection 2 of section 16 apply with respect to the 1969 and subsequent fiscal years.

Idem

(3) Subsection 2 of section 2, section 4, subsection 2 of section 5, section 14 and section 19 apply with respect to the 1970 and subsequent fiscal years.

Idem

(4) Subsections 3, 4, 5 and 6 of section 28 of the Act, as enacted by section 7 of this Act, is applicable to an outlay or expense incurred in a fiscal year ending after October 22nd, 1968.

**22.** This Act comes into force on the day it receives Royal <sup>Commence-</sup>  
Assent.<sub>ment</sub>

**23.** This Act may be cited as *The Corporations Tax* <sup>Short title</sup>  
*Amendment Act, 1970.*







An Act to amend  
The Corporations Tax Act

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*1st Reading*

June 18th, 1970

*2nd Reading*

June 24th, 1970

*3rd Reading*

June 26th, 1970

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MR. WHITE

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**BILL 160**

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3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

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**An Act to amend The Agricultural Societies Act**

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MR. STEWART

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TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

## EXPLANATORY NOTES

SECTION 1. Self-explanatory.

SECTION 2. The objects of a society are enlarged.

SECTION 3. The amendment enlarges the authority of a society to exhibit farm products and extends the time for forwarding certain statements required by subsection 3 of section 11 of the Act.

BILL 160

1970

## An Act to amend The Agricultural Societies Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *b* of section 1 of *The Agricultural Societies Act* is amended by inserting after “Agriculture” in the first line “and Food”. R.S.O. 1960,  
c. 11, s. 1,  
cl. *b*,  
amended

(2) Clause *d* of the said section 1 is amended by inserting after “Agriculture” in the first line “and Food”. R.S.O. 1960,  
c. 11, s. 1,  
cl. *d*,  
amended

2.—(1) Clause *b* of subsection 1 of section 8 of *The Agricultural Societies Act* is amended by inserting after “premiums” in the second line “and exhibiting displays of farm products”, so that the clause shall read as follows: R.S.O. 1960,  
c. 11, s. 8,  
subs. 1,  
cl. *b*,  
amended

(b) organizing and holding agricultural exhibitions and awarding premiums and exhibiting displays of farm products thereat.

(2) Subsection 1 of the said section 8 is amended by adding thereto the following clause: R.S.O. 1960,  
c. 11, s. 8,  
subs. 1,  
amended

(g) holding races or trials of speed for horses.

3. Subsection 3 of section 11 of *The Agricultural Societies Act* is amended by striking out “in the locality served by the society” in the second and third lines, and by striking out “one month” in the fifth line and inserting in lieu thereof “ninety days”, so that the subsection shall read as follows: R.S.O. 1960,  
c. 11, s. 11,  
subs. 3,  
amended

(3) Where a society exhibits a display of a farm product that is produced on a commercial basis or holds a field-crop or other competition and such display or competition is approved by the Superintendent, the Statement  
as to  
competitions

officers of the society shall within ninety days thereafter forward to the Superintendent on a form supplied by the Department a statement showing the particulars of the display or the competition, the number of entries, and the expenditures, including prizes awarded, in connection therewith.

R.S.O. 1960, c. 11, s. 21, re-enacted 4. Section 21 of *The Agricultural Societies Act* is repealed and the following substituted therefor:

Power to  
expropriate  
land

21. Subject to the approval of the Minister, a society may expropriate land selected as a site for fairs and exhibitions or as an enlargement of an existing site, and approved therefor at a meeting of the society called for that purpose, in accordance with *The Expropriations Act, 1968-69*, and the provisions of that Act shall apply to any expropriation under this section.

1968-69,  
c. 36

R.S.O. 1960,  
c. 11, s. 24,  
subs. 2,  
amended

5.—(1) Subsection 2 of section 24 of *The Agricultural Societies Act* is amended by striking out "\$500" in the seven-teenth line and inserting in lieu thereof "\$1,000", so that the subsection shall read as follows:

Allowance  
where gate  
receipts  
reduced

(2) If the Superintendent, upon receiving proof on or before the 31st day of October in any year, by the joint affidavit of the president, secretary and treasurer or secretary-treasurer of an agricultural society, that rain or snow fell at the place of holding an exhibition before 3 o'clock in the afternoon on any day during which the exhibition was held or that during the exhibition or within thirty days prior thereto one or more buildings on the exhibition grounds was destroyed by fire or storm, is satisfied that as a consequence of such weather or such destruction the gate receipts were less than the average gate receipts for exhibitions held by the society during three previous normal years, the society is entitled to receive a grant of not more than 90 per cent of the difference between the gate receipts of the current year and the average amount of the gate receipts of such three previous years, but no society shall in any year receive a grant in excess of \$1,000 for any such loss in gate receipts.

R.S.O. 1960,  
c. 11, s. 24,  
subs. 3,  
amended

(2) Subsection 3 of the said section 24 is amended by striking out "\$500" in the tenth line and inserting in lieu thereof "\$1,000", so that the subsection shall read as follows:

SECTION 4. The authority of a society to expropriate land is re-enacted to give effect to *The Expropriations Act, 1968-69*.

SECTION 5—Subsections 1 and 2. The maximum grant payable to a society in respect of a reduction in gate receipts resulting from certain causes is increased from \$500 to \$1,000.

Subsection 3. Self-explanatory.





- (3) In the event of a society that has been organized for only two years suffering loss in gate receipts owing to wet weather, it shall receive a grant equal to 75 per cent of the difference between the gate receipts of the current year and those of the previous year, and, in case of loss of gate receipts from the above cause during the third year of a society's existence, the grant shall be 75 per cent of the difference between the gate receipts of that year and those of the average of the two previous years, but no society shall in any year receive a grant in excess of \$1,000 for any such loss in gate receipts.
- Grant where gate receipts reduced owing to wet weather

(3) The said section 24, as amended by section 1 of *The Agricultural Societies Amendment Act, 1961-62*, is further amended by adding thereto the following subsection:

R.S.O. 1960, c. 11, s. 24, amended

- (4) Where the moneys appropriated by the Legislature are insufficient to pay the grants under subsections 2 and 3, the grants shall be decreased *pro rata*.
- Decrease in grants

**6.** This Act comes into force on the day it receives Royal Assent.

Commencement

**7.** This Act may be cited as *The Agricultural Societies Amendment Act, 1970*.

Short title

An Act to amend  
The Agricultural  
Societies Act

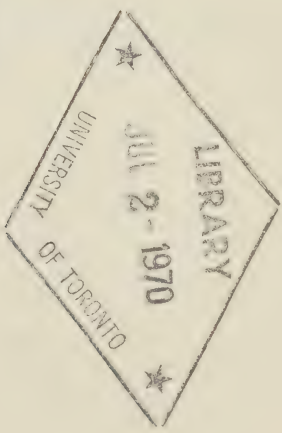
*1st Reading*

June 18th, 1970

*2nd Reading*

*3rd Reading*

MR. STEWART



## BILL 160

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3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

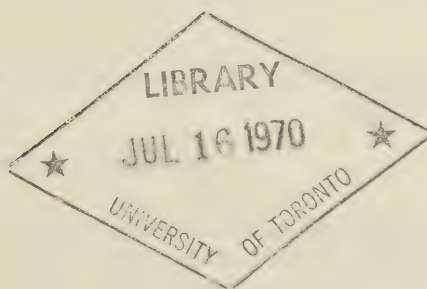
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An Act to amend The Agricultural Societies Act

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MR. STEWART

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TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER



BILL 160

1970

## An Act to amend The Agricultural Societies Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Clause *b* of section 1 of *The Agricultural Societies Act* is amended by inserting after "Agriculture" in the first line "and Food". R.S.O. 1960,  
c. 11, s. 1,  
cl. *b*,  
amended

(2) Clause *d* of the said section 1 is amended by inserting after "Agriculture" in the first line "and Food". R.S.O. 1960,  
c. 11, s. 1,  
cl. *d*,  
amended

**2.**—(1) Clause *b* of subsection 1 of section 8 of *The Agricultural Societies Act* is amended by inserting after "premiums" in the second line "and exhibiting displays of farm products", so that the clause shall read as follows: R.S.O. 1960,  
c. 11, s. 8,  
subs. 1,  
cl. *b*,  
amended

(b) organizing and holding agricultural exhibitions and awarding premiums and exhibiting displays of farm products thereat.

(2) Subsection 1 of the said section 8 is amended by adding thereto the following clause: R.S.O. 1960,  
c. 11, s. 8,  
subs. 1,  
amended

(g) holding races or trials of speed for horses.

**3.** Subsection 3 of section 11 of *The Agricultural Societies Act* is amended by striking out "in the locality served by the society" in the second and third lines, and by striking out "one month" in the fifth line and inserting in lieu thereof "ninety days", so that the subsection shall read as follows: R.S.O. 1960,  
c. 11, s. 11,  
subs. 3,  
amended

(3) Where a society exhibits a display of a farm product that is produced on a commercial basis or holds a field-crop or other competition and such display or competition is approved by the Superintendent, the Statement  
as to  
competitions



officers of the society shall within ninety days thereafter forward to the Superintendent on a form supplied by the Department a statement showing the particulars of the display or the competition, the number of entries, and the expenditures, including prizes awarded, in connection therewith.

R.S.O. 1960, c. 11, s. 21, re-enacted      4. Section 21 of *The Agricultural Societies Act* is repealed and the following substituted therefor:

Power to  
expropriate  
land

1968-69,  
c. 36

21. Subject to the approval of the Minister, a society may expropriate land selected as a site for fairs and exhibitions or as an enlargement of an existing site, and approved therefor at a meeting of the society called for that purpose, in accordance with *The Expropriations Act, 1968-69*, and the provisions of that Act shall apply to any expropriation under this section.

R.S.O. 1960, c. 11, s. 24, subs. 2, amended

5.—(1) Subsection 2 of section 24 of *The Agricultural Societies Act* is amended by striking out "\$500" in the seven-teenth line and inserting in lieu thereof "\$1,000", so that the subsection shall read as follows:

Allowance  
where gate  
receipts  
reduced

- (2) If the Superintendent, upon receiving proof on or before the 31st day of October in any year, by the joint affidavit of the president, secretary and treasurer or secretary-treasurer of an agricultural society, that rain or snow fell at the place of holding an exhibition before 3 o'clock in the afternoon on any day during which the exhibition was held or that during the exhibition or within thirty days prior thereto one or more buildings on the exhibition grounds was destroyed by fire or storm, is satisfied that as a consequence of such weather or such destruction the gate receipts were less than the average gate receipts for exhibitions held by the society during three previous normal years, the society is entitled to receive a grant of not more than 90 per cent of the difference between the gate receipts of the current year and the average amount of the gate receipts of such three previous years, but no society shall in any year receive a grant in excess of \$1,000 for any such loss in gate receipts.

R.S.O. 1960, c. 11, s. 24, subs. 3, amended

(2) Subsection 3 of the said section 24 is amended by striking out "\$500" in the tenth line and inserting in lieu thereof "\$1,000", so that the subsection shall read as follows:

- (3) In the event of a society that has been organized for only two years suffering loss in gate receipts owing to wet weather, it shall receive a grant equal to 75 per cent of the difference between the gate receipts of the current year and those of the previous year, and, in case of loss of gate receipts from the above cause during the third year of a society's existence, the grant shall be 75 per cent of the difference between the gate receipts of that year and those of the average of the two previous years, but no society shall in any year receive a grant in excess of \$1,000 for any such loss in gate receipts.

(3) The said section 24, as amended by section 1 of *The Agricultural Societies Amendment Act, 1961-62*, is further amended by adding thereto the following subsection:

- (4) Where the moneys appropriated by the Legislature are insufficient to pay the grants under subsections 2 and 3, the grants shall be decreased *pro rata*.

**6.** This Act comes into force on the day it receives Royal Assent.

**7.** This Act may be cited as *The Agricultural Societies Amendment Act, 1970*.





An Act to amend  
The Agricultural  
Societies Act

*1st Reading*

June 18th, 1970

*2nd Reading*

June 25th, 1970

*3rd Reading*

June 25th, 1970

MR. STEWART

## BILL 161

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3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

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**An Act to amend The Crop Insurance Act (Ontario), 1966**

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MR. STEWART

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#### EXPLANATORY NOTE

The subsection added permits insurance coverage to be provided against loss arising from inability to seed land because of adverse weather conditions.

# An Act to amend The Crop Insurance Act (Ontario), 1966

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of *The Crop Insurance Act (Ontario), 1966* <sup>1966, c. 34,  
s. 5,  
amended</sup> is amended by adding thereto the following subsection:

(3) A plan may provide for insurance against loss <sup>Where</sup> arising when the seeding or planting of land intended <sup>seeding of</sup> to be used to grow an insured crop is prevented by a <sup>land</sup> peril designated in the regulations. <sup>prevented</sup>

2. This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. <sup>ment</sup>

3. This Act may be cited as *The Crop Insurance Amendment* <sup>Short title</sup> *Act (Ontario), 1970.*

An Act to amend  
The Crop Insurance Act (Ontario), 1966

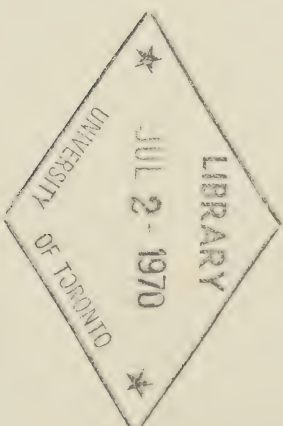
*1st Reading*

June 18th, 1970

*2nd Reading*

*3rd Reading*

MR. STEWART



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3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

---

An Act to amend The Crop Insurance Act (Ontario), 1966

---

MR. STEWART

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BILL 161

1970

**An Act to amend  
The Crop Insurance Act (Ontario), 1966**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 5 of *The Crop Insurance Act (Ontario), 1966* 1966, c. 34,  
S. 5,  
amended is amended by adding thereto the following subsection:

- (3) A plan may provide for insurance against loss Where  
seeding of  
land  
prevented arising when the seeding or planting of land intended to be used to grow an insured crop is prevented by a peril designated in the regulations.

**2.** This Act comes into force on the day it receives Royal Commence-  
ment Assent.

**3.** This Act may be cited as *The Crop Insurance Amendment Act (Ontario), 1970*. Short title



An Act to amend  
The Crop Insurance Act (Ontario), 1966

*1st Reading*

June 18th, 1970

*2nd Reading*

June 25th, 1970

*3rd Reading*

June 25th, 1970

MR. STEWART

**BILL 162**

3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

**An Act to amend The Planning Act**

MR. McKEOUGH

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### EXPLANATORY NOTES

SECTION 1. The following principles are embodied in the re-enacted section 26, which deals generally with the matter of subdivision control:

1. All land in Ontario is subject to subdivision control and part-lot control; formerly areas of land subject to subdivision control and plans of subdivision subject to part-lot control were designated by municipal by-law or by order of the Minister.
2. The prohibition against conveying or mortgaging land except under the conditions specified, is enlarged to include a prohibition against granting, assigning or exercising a power of appointment with respect to land.

## An Act to amend The Planning Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 26 of *The Planning Act*, as re-enacted by sub-<sup>R.S.O. 1960,</sup>  
section 1 of section 1 of *The Planning Amendment Act, 1960-61*<sup>c. 296,</sup>  
and amended by section 6 of *The Planning Amendment Act,*<sup>s. 26</sup>  
*1962-63*, section 2 of *The Planning Amendment Act, 1966,*<sup>(1960-61,</sup>  
*1968-69*, section 2 of *The Planning Amendment Act, 1968* and section 3 of<sup>c. 76, s. 1,</sup>  
*The Planning Amendment Act, 1968-69*, is repealed and the<sup>subs. 1),</sup>  
following substituted therefor:<sup>re-enacted</sup>

26.—(1) In this section, “consent” means,

Interpre-  
tation

(a) in the case of land situate in a municipality that forms part of a county for municipal purposes or situate in a municipality that is within a metropolitan, regional or district municipality,

(i) a consent given by the committee of adjustment of such municipality under subsection 2a of section 32b, if such committee was constituted prior to the 15th day of June, 1970, or by such committee constituted on or after the 15th day of June, 1970, if the municipality has an official plan approved by the Minister, or

(ii) where there is no committee of adjustment referred to in subclause i, a consent given by the land division committee constituted under section 26a, or

- (iii) where there is no committee of adjustment referred to in subclause i, or no land division committee referred to in subclause ii, a consent given by the Minister;
- (b) in the case of land situate in a municipality that does not form part of a county for municipal purposes or situate in a municipality that is not within a metropolitan, regional or district municipality, or situate in a municipality in a territorial district,
  - (i) a consent given by the committee of adjustment of such municipality under subsection 2a of section 32b, if such committee was constituted prior to the 15th day of June, 1970, or by such committee constituted on or after the 15th day of June, 1970 if the municipality has an official plan approved by the Minister, or
  - (ii) where there is no committee of adjustment referred to in subclause i, a consent given by the Minister; or
- (c) in the case of land situate in territory without municipal organization, a consent given by the Minister.

Subdivision  
control

- (2) No person shall convey land by way of a deed or transfer, or grant, assign or exercise a power of appointment with respect to land, or mortgage or charge land, or enter into an agreement of sale and purchase of land or enter into any agreement that has the effect of granting the use of or right in land directly or by entitlement to renewal for a period of twenty-one years or more unless,
  - (a) the land is described in accordance with and is within a registered plan of subdivision; or
  - (b) the grantor by deed or transfer, the person granting, assigning or exercising a power of appointment, the mortgagor or chargor, the vendor under an agreement of purchase and sale or the grantor of a use of or right in land, as the case may be, does not retain

the fee or the equity of redemption in, or a power or right to grant, assign or exercise a power of appointment with respect to, any land abutting the land that is being conveyed or otherwise dealt with; or

- (c) the land or any use of or right therein is being acquired or disposed of by Her Majesty in right of Canada or Her Majesty in right of Ontario or by any municipality, metropolitan municipality, regional municipality, district municipality or county; or
  - (d) the land or any use of or right therein is being acquired for the construction of a transmission line as defined in *The Ontario Energy Board Act, 1964* and in respect of which the person acquiring the land or any use of or right therein has made a declaration that it is being acquired for such purpose, which shall be conclusive evidence that it is being acquired for such purpose; or
  - (e) a consent is given to convey, mortgage or charge the land, or grant, assign or exercise a power of appointment with respect to the land or enter into an agreement with respect to the land.
- (3) The council of a municipality may by by-law designate any plan of subdivision, or part thereof, that has been registered for eight years or more, which shall be deemed not to be a registered plan of subdivision for the purposes of subsection 2. Designation of plans of subdivision not deemed registered
- (4) Where land is within a plan of subdivision registered before or after the coming into force of this section, no person shall convey a part of any lot or block of the land by way of a deed or transfer, or grant, assign or exercise a power of appointment with respect to a part of any lot or block of the land, or mortgage or charge a part of any lot or block of the land, or enter into an agreement of sale and purchase of a part of any lot or block of the land or enter into any agreement that has the effect of granting the use of or right in a part of any lot or block of the land directly or by entitlement to renewal for a period of twenty-one years or more unless, Part-lot control



- (a) the grantor by deed or transfer, the person granting, assigning or exercising a power of appointment, the mortgagor or chargor, the vendor under an agreement of purchase and sale or the grantor of a use of or right in land, as the case may be, does not retain the fee or the equity of redemption in, or a power or right to grant, assign or exercise a power of appointment with respect to, any land abutting the land that is being conveyed or otherwise dealt with; or
- (b) the land or any use of or right therein is being acquired or disposed of by Her Majesty in right of Canada or Her Majesty in right of Ontario or by any municipality, metropolitan municipality, regional municipality, district municipality or county; or
- (c) the land or any use of or right therein is being acquired for the construction of a transmission line as defined in *The Ontario Energy Board Act, 1964* and in respect of which the person acquiring the land or any use of or right therein has made a declaration that it is being acquired for such purpose, which shall be conclusive evidence that it is being acquired for such purpose; or
- (d) a consent is given to convey, mortgage or charge the land or grant, assign or exercise a power of appointment with respect to the land or enter into an agreement with respect to the land.

1964, c. 74

Consent to  
lapse after  
one year

- (5) Any consent mentioned in subsection 2 or 4 shall lapse, in the case of a consent given by the Minister, at the expiration of one year after the date upon which the consent was granted, and in the case of a consent given by the committee of adjustment or the land division committee, at the expiration of one year after the date of the certificate given under subsection 19 of section 32b, unless within such period,
  - (a) an agreement was entered into for the sale and purchase of the land in respect of which the consent was granted or that has the effect of granting the use of or right in land directly or by entitlement to renewal for a period of twenty-one years or more; or

- (b) the land in respect of which the consent was granted was conveyed, mortgaged or charged or a power of appointment with respect to the land was exercised,

provided that the committee of adjustment, the land division committee or the Minister, as the case may be, in granting the consent may provide for an earlier lapsing of the consent.

- (6) An agreement, conveyance, mortgage or charge made, Conveyance, etc., contrary to section not to create or convey interest in land or a power of appointment granted, assigned or exercised in contravention of this section or a predecessor thereof does not create or convey any interest in land, but this section does not affect an agreement entered into subject to the express condition contained therein that such agreement is to be effective only if the provisions of this section are complied with.
- (7) A certified copy or duplicate of every by-law passed Copy of by-law to be lodged with Minister under this section shall be lodged by the clerk of the municipality in the office of the Minister.
- (8) A by-law passed under this section is not effective When by-law effective until the requirements of subsections 9 and 10 have been complied with.
- (9) A certified copy or duplicate of every by-law passed Copy of by-law to be registered under this section shall be registered by the clerk of the municipality in the proper registry or land titles office.
- (10) The clerk of the municipality shall send by registered Notice of by-law to be mailed to owners of affected land mail notice of the passing of a by-law under this section to each person appearing by the last revised assessment roll to be the owner of land to which the by-law applies, which notice shall be sent to the last known address of each such person.
- (11) A committee of adjustment, a land division committee and the Minister, in determining whether a consent is to be given shall have regard to the matters that are to be had regard to under subsection 4 of section 28 and have the same powers with respect to a consent as the Minister has with respect to an approval of a plan of subdivision under subsections 5 and 8 of section 28, and shall require that all conditions imposed be fulfilled prior to the granting of a consent. Matters to be regarded in determining consent, conditions

Special  
account

- (12) Where on the granting of a consent a condition has been imposed that land be conveyed for public purposes other than highways, any land so conveyed may be sold by the municipality at any time and subsection 10 of section 28 applies to moneys received in lieu of a conveyance of such land and to moneys received from the sale of such land.

Agreements

- (13) Every municipality may enter into agreements imposed as a condition to the granting of a consent.

R.S.O. 1960,  
c. 296,  
amended

- 2. The Planning Act** is amended by adding thereto the following sections:

Appointment  
of land  
division  
committee

- 26a.—(1) Where one or more municipalities forming part of a county for municipal purposes, or being within a metropolitan, regional or district municipality, do not have a committee of adjustment constituted prior to the 15th day of June, 1970 the council of the county, or of the metropolitan, regional or district municipality, as the case may be, shall, upon being notified in writing of this fact by the Minister, constitute and appoint a land division committee composed of such persons, not fewer than three, as the council considers advisable.

Interpre-  
tation

- (2) In subsection 3, "employee of a municipality" includes an employee of a local board of the municipality but does not include a teacher employed by a board of education or school board.

Members  
and  
employees  
of county,  
etc., not  
eligible

- (3) No member of council or employee of a county or of a metropolitan, regional or district municipality and no member of council or employee of a municipality forming part of a county or of a municipality being within a metropolitan, regional or district municipality is eligible to be a member of the land division committee constituted by the council of the county or metropolitan, regional or district municipality.

Application  
of s. 32a,  
subss. 4-12,  
s. 32b, subss.  
2a-19,  
by-law

- (4) The provisions of subsections 4 to 12 of section 32a and subsections 2a to 19 of section 32b apply *mutatis mutandis* to the land division committee, but the land division committee does not have jurisdiction to grant consents in respect of land situate in a municipality that has a committee of adjustment constituted prior to the 15th day of June, 1970, or constituted on or after the 15th day of June, 1970 if the municipality has an official plan approved by the Minister, unless the council of such municipality passes a

SECTION 2. 1. The new section 26*a* provides for the appointment by a county council or the council of a metropolitan, regional or district municipality of a land division committee empowered to grant consents for the purposes of section 26 of the Act in respect of land in those constituent municipalities that do not have a committee of adjustment, or in the case of a municipality that has constituted a committee of adjustment, where the council of the municipality has by by-law authorized the land division committee to grant such consents in its place.

2. The new section 26*b* provides that a committee of adjustment loses its jurisdiction to grant consents where,

- (*a*) the municipality that constituted the committee does not have an official plan that is approved on or before December 31st, 1973; or
- (*b*) the Minister, having formed the opinion the committee is not granting consents in the manner contemplated by the Act, so orders.

SECTION 3. Complementary to section 1 of the Bill.



by-law authorizing the land division committee to grant such consents and the time provided for in subsection 5 has elapsed, or unless the committee of adjustment is dissolved.

- (5) Where a by-law is passed under subsection 4, the clerk of the municipality shall forward by registered mail a certified copy thereof to the secretary-treasurer of the committee of adjustment, to the secretary-treasurer of the land division committee and to the Minister not later than five days after the passing of the by-law, and ten days after the passing of the by-law the land division committee has jurisdiction to grant consents in respect of land in such municipality and the committee of adjustment ceases to have jurisdiction for this purpose.
- Clerk to mail copy of by-law to secretary-treasurer and Minister within 5 days

26b.—(1) Notwithstanding any other provision in this Act, if a municipality does not have an official plan approved by the Minister or the Municipal Board on or before the 31st day of December, 1973, a committee of adjustment of such municipality shall after that date have no further jurisdiction to grant consents for the purposes of section 26 and the Minister or the land division committee, as the case may be, shall act in the place and stead of such committee for such purposes.

When committee of adjustment ceases to have jurisdiction to grant consents

- (2) Notwithstanding any other provision in this Act, the Minister, if he is of the opinion that a committee of adjustment is not giving consents in the manner contemplated by the provisions of this Act, may by order declare that such committee has no further jurisdiction to give consents for the purposes of section 26, and thereafter the Minister or the land division committee, as the case may be, shall act in the place and stead of such committee for such purposes.
- Idem

**3.**—(1) Clause *b* of subsection 1 of section 27 of *The Planning Act* is repealed and the following substituted therefor:

R.S.O. 1960, c. 296, s. 27, subs. 1, cl. b, re-enacted

- (b) with respect to any land in Ontario exercise the powers conferred upon councils by subsection 3 of section 26.

(2) Subsection 3 of the said section 27, as amended by section 7 of *The Planning Amendment Act, 1962-63*, is repealed and the following substituted therefor:

R.S.O. 1960, c. 296, s. 27, subs. 3, re-enacted



## Notice

- (3) The Minister may give notice of any such order in such manner as he considers proper and the Minister shall cause a certified copy or duplicate of the order to be registered in the proper registry or land titles office.

R.S.O. 1960,  
c. 296, s. 32a  
(1961-62,  
c. 104, s. 8),  
subs. 12,  
re-enacted,  
subs. 13,  
repealed

**4.** Subsections 12 and 13 of section 32a of *The Planning Act*, as enacted by section 8 of *The Planning Amendment Act, 1961-62*, are repealed and the following substituted therefor:

## Rules of procedure

- (12) In addition to complying with the requirements imposed upon the committee by this Act, the committee shall comply with such rules of procedure as are prescribed by the Minister by regulation.

R.S.O. 1960,  
c. 296, s. 32b,  
subs. 2a  
(1964, c. 90,  
s. 6, subs. 1),  
re-enacted

**5.**—(1) Subsection 2a of section 32b of *The Planning Act*, as enacted by subsection 1 of section 6 of *The Planning Amendment Act, 1964*, is repealed and the following substituted therefor:

## Power of committee to give consent

- (2a) In addition to its powers under subsections 1 and 2 and subject to section 26a, the committee upon the application of the owner of any land or any person authorized in writing by such owner, may, notwithstanding any other Act, give a consent as mentioned in section 26, provided that the committee is satisfied that a plan of subdivision under section 28 of the land described in the application is not necessary for the proper and orderly development of the municipality.

R.S.O. 1960,  
c. 296,  
s. 32b,  
subss. 9a, 9b,  
(1966,  
c. 116, s. 5,  
subs. 2),  
repealed

(2) Subsection 9a, as re-enacted by subsection 2 of section 5 of *The Planning Amendment Act, 1966* and amended by subsection 1 of section 8 of *The Planning Amendment Act, 1967*, and subsection 9b, as enacted by subsection 2 of section 5 of *The Planning Amendment Act, 1966*, of the said section 32b are repealed.

R.S.O. 1960,  
c. 296  
amended

**6.** *The Planning Act* is amended by adding thereto the following section:

## Regulations

**34a.** The Minister may make regulations prescribing rules of procedure for committees of adjustment and land division committees constituted under this Act.

## Commence-ment

**7.** This Act comes into force on the day it receives Royal Assent.

## Short title

**8.** This Act may be cited as *The Planning Amendment Act, 1970*.

SECTION 4. Formerly the rules of procedure of each committee of adjustment were required to be approved by the Minister; provision is now made for the Minister to prescribe uniform rules for all committees.

SECTION 5—Subsection 1. Complementary to section 1 of the Bill.

Subsection 2. The provisions of the repealed subsections have been transferred to subsections 11 and 12 of section 26.

SECTION 6. Complementary to section 4 of the Bill.





An Act to amend  
The Planning Act

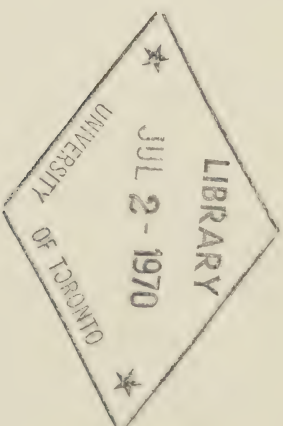
*1st Reading*

June 18th, 1970

*2nd Reading*

*3rd Reading*

MR. McKEOUGH



## BILL 162

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3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

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**An Act to amend The Planning Act**

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MR. McKEOUGH

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*(Reprinted as amended by the Committee of the Whole House)*

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TORONTO

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#### EXPLANATORY NOTES

SECTION 1. The following principles are embodied in the re-enacted section 26, which deals generally with the matter of subdivision control:

1. All land in Ontario is subject to subdivision control and part-lot control; formerly areas of land subject to subdivision control and plans of subdivision subject to part-lot control were designated by municipal by-law or by order of the Minister.
2. The prohibition against conveying or mortgaging land except under the conditions specified, is enlarged to include a prohibition against granting, assigning or exercising a power of appointment with respect to land.

## An Act to amend The Planning Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 26 of *The Planning Act*, as re-enacted by sub-section 1 of section 1 of *The Planning Amendment Act, 1960-61* and amended by section 6 of *The Planning Amendment Act, 1962-63*, section 2 of *The Planning Amendment Act, 1966*, section 2 of *The Planning Amendment Act, 1968* and section 3 of *The Planning Amendment Act, 1968-69*, is repealed and the following substituted therefor:

26.—(1) In this section, “consent” means,

Interpre-  
tation

- (a) in the case of land situate in a municipality that forms part of a county for municipal purposes or situate in a municipality that is within a metropolitan, regional or district municipality,
  - (i) a consent given by the committee of adjustment of such municipality under subsection 2a of section 32b, if such committee was constituted prior to the 15th day of June, 1970, or by such committee constituted on or after the 15th day of June, 1970, if the municipality has an official plan approved by the Minister, or
  - (ii) where there is no committee of adjustment referred to in subclause i, a consent given by the land division committee constituted under section 26a, or

- (iii) where there is no committee of adjustment referred to in subclause i, or no land division committee referred to in subclause ii, a consent given by the Minister;
- (b) in the case of land situate in a municipality that does not form part of a county for municipal purposes or situate in a municipality that is not within a metropolitan, regional or district municipality, or situate in a municipality in a territorial district,
  - (i) a consent given by the committee of adjustment of such municipality under subsection 2a of section 32b, if such committee was constituted prior to the 15th day of June, 1970, or by such committee constituted on or after the 15th day of June, 1970 if the municipality has an official plan approved by the Minister, or
  - (ii) where there is no committee of adjustment referred to in subclause i, a consent given by the Minister; or
- (c) in the case of land situate in territory without municipal organization, a consent given by the Minister.

Subdivision  
control

- (2) No person shall convey land by way of a deed or transfer, or grant, assign or exercise a power of appointment with respect to land, or mortgage or charge land, or enter into an agreement of sale and purchase of land or enter into any agreement that has the effect of granting the use of or right in land directly or by entitlement to renewal for a period of twenty-one years or more unless,
  - (a) the land is described in accordance with and is within a registered plan of subdivision; or
  - (b) the grantor by deed or transfer, the person granting, assigning or exercising a power of appointment, the mortgagor or chargor, the vendor under an agreement of purchase and sale or the grantor of a use of or right in land, as the case may be, does not retain

the fee or the equity of redemption in, or a power or right to grant, assign or exercise a power of appointment with respect to, any land abutting the land that is being conveyed or otherwise dealt with; or

- (c) the land or any use of or right therein is being acquired or disposed of by Her Majesty in right of Canada or Her Majesty in right of Ontario or by any municipality, metropolitan municipality, regional municipality, district municipality or county; or
- (d) the land or any use of or right therein is being acquired for the construction of a transmission line as defined in *The Ontario Energy Board Act, 1964* and in respect of which the person acquiring the land or any use of or right therein has made a declaration that it is being acquired for such purpose, which shall be conclusive evidence that it is being acquired for such purpose; or <sup>1964, c. 74</sup>
- (e) a consent is given to convey, mortgage or charge the land, or grant, assign or exercise a power of appointment with respect to the land or enter into an agreement with respect to the land.

- (3) The council of a municipality may by by-law designate any plan of subdivision, or part thereof, that has been registered for eight years or more, which shall be deemed not to be a registered plan of subdivision for the purposes of subsection 2. <sup>Designation of plans of subdivision not deemed registered</sup>

- (4) Where land is within a plan of subdivision registered before or after the coming into force of this section, no person shall convey a part of any lot or block of the land by way of a deed or transfer, or grant, assign or exercise a power of appointment with respect to a part of any lot or block of the land, or mortgage or charge a part of any lot or block of the land, or enter into an agreement of sale and purchase of a part of any lot or block of the land or enter into any agreement that has the effect of granting the use of or right in a part of any lot or block of the land directly or by entitlement to renewal for a period of twenty-one years or more unless, <sup>Part-lot control</sup>

- (a) the grantor by deed or transfer, the person granting, assigning or exercising a power of appointment, the mortgagor or chargor, the vendor under an agreement of purchase and sale or the grantor of a use of or right in land, as the case may be, does not retain the fee or the equity of redemption in, or a power or right to grant, assign or exercise a power of appointment with respect to, any land abutting the land that is being conveyed or otherwise dealt with; or
- (b) the land or any use of or right therein is being acquired or disposed of by Her Majesty in right of Canada or Her Majesty in right of Ontario or by any municipality, metropolitan municipality, regional municipality, district municipality or county; or
- (c) the land or any use of or right therein is being acquired for the construction of a transmission line as defined in *The Ontario Energy Board Act, 1964* and in respect of which the person acquiring the land or any use of or right therein has made a declaration that it is being acquired for such purpose, which shall be conclusive evidence that it is being acquired for such purpose; or
- (d) a consent is given to convey, mortgage or charge the land or grant, assign or exercise a power of appointment with respect to the land or enter into an agreement with respect to the land.

1964, c. 74

Designation  
of plans of  
subdivision  
not subject  
to part-lot  
control

- (5) Notwithstanding subsection 4, the council of a municipality may by by-law provide that subsection 4 does not apply to land that is within such registered plan or plans of subdivision or part or parts thereof as is or are designated in the by-law, and where the by-law is approved by the Minister subsection 4 ceases to apply to such land.

Consent to  
lapse after  
one year

- (6) Any consent mentioned in subsection 2 or 4 shall lapse, in the case of a consent given by the Minister, at the expiration of one year after the date upon which the consent was granted, and in the case of a consent given by the committee of adjustment or the land division committee, at the expiration of one year after the date of the certificate given under



subsection 19 of section 32*b*, unless within such period,

- (a) an agreement was entered into for the sale and purchase of the land in respect of which the consent was granted or that has the effect of granting the use of or right in land directly or by entitlement to renewal for a period of twenty-one years or more; or
- (b) the land in respect of which the consent was granted was conveyed, mortgaged or charged or a power of appointment with respect to the land was exercised,

provided that the committee of adjustment, the land division committee or the Minister, as the case may be, in granting the consent may provide for an earlier lapsing of the consent.

- (7) An agreement, conveyance, mortgage or charge made, or a power of appointment granted, assigned or exercised in contravention of this section or a predecessor thereof does not create or convey any interest in land, but this section does not affect an agreement entered into subject to the express condition contained therein that such agreement is to be effective only if the provisions of this section are complied with. Conveyance, etc., contrary to section not to create or convey interest in land
- (8) A certified copy or duplicate of every by-law passed under subsection 3 shall be lodged by the clerk of the municipality in the office of the Minister. Copy of by-law to be lodged with Minister
- (9) A by-law passed under subsection 3 is not effective until the requirements of subsections 10 and 11 have been complied with. When by-law effective
- (10) A certified copy or duplicate of every by-law passed under this section shall be registered by the clerk of the municipality in the proper registry or land titles office. Copy of by-law to be registered
- (11) The clerk of the municipality shall send by registered mail notice of the passing of a by-law under subsection 3 to each person appearing by the last revised assessment roll to be the owner of land to which the by-law applies, which notice shall be sent to the last known address of each such person. Notice of by-law to be mailed to owners of affected land



Matters to  
be regarded  
in  
determining  
consent,  
conditions

- (12) A committee of adjustment, a land division committee and the Minister, in determining whether a consent is to be given shall have regard to the matters that are to be had regard to under subsection 4 of section 28 and have the same powers with respect to a consent as the Minister has with respect to an approval of a plan of subdivision under subsections 5 and 8 of section 28, and shall require that all conditions imposed be fulfilled prior to the granting of a consent.

Special  
account

- (13) Where on the granting of a consent a condition has been imposed that land be conveyed for public purposes other than highways, any land so conveyed may be sold by the municipality at any time and subsection 10 of section 28 applies to moneys received in lieu of a conveyance of such land and to moneys received from the sale of such land.

Agreements

- (14) Every municipality may enter into agreements imposed as a condition to the granting of a consent.

R.S.O. 1960,  
c. 296,  
amended

**2. *The Planning Act*** is amended by adding thereto the following sections:

Appointment  
of land  
division  
committee

- 26a.—(1) Where one or more municipalities forming part of a county for municipal purposes, or being within a metropolitan, regional or district municipality, do not have a committee of adjustment constituted prior to the 15th day of June, 1970 the council of the county, or of the metropolitan, regional or district municipality, as the case may be, shall, upon being notified in writing of this fact by the Minister, constitute and appoint a land division committee composed of such persons, not fewer than three, as the council considers advisable.

Interpre-  
tation

- (2) In subsection 3, "employee of a municipality" includes an employee of a local board of the municipality but does not include a teacher employed by a board of education or school board.

Members  
and  
employees  
of county,  
etc., not  
eligible

- (3) No member of council or employee of a county or of a metropolitan, regional or district municipality and no member of council or employee of a municipality forming part of a county or of a municipality being within a metropolitan, regional or district municipality is eligible to be a member of the land division committee constituted by the council of the county or metropolitan, regional or district municipality.

SECTION 2. 1. The new section 26*a* provides for the appointment by a county council or the council of a metropolitan, regional or district municipality of a land division committee empowered to grant consents for the purposes of section 26 of the Act in respect of land in those constituent municipalities that do not have a committee of adjustment, or in the case of a municipality that has constituted a committee of adjustment, where the council of the municipality has by by-law authorized the land division committee to grant such consents in its place.

2. The new section 26*b* provides that a committee of adjustment loses its jurisdiction to grant consents where,

- (*a*) the municipality that constituted the committee does not have an official plan that is approved on or before December 31st, 1973; or
  - (*b*) the Minister, having formed the opinion the committee is not granting consents in the manner contemplated by the Act, so orders.
- .



- (4) The provisions of subsections 4 to 12 of section 32a and subsections 2a to 19 of section 32b apply *mutatis mutandis* to the land division committee, but the land division committee does not have jurisdiction to grant consents in respect of land situate in a municipality that has a committee of adjustment constituted prior to the 15th day of June, 1970, or constituted on or after the 15th day of June, 1970 if the municipality has an official plan approved by the Minister, unless the council of such municipality passes a by-law authorizing the land division committee to grant such consents and the time provided for in subsection 5 has elapsed, or unless the committee of adjustment is dissolved.
- Application of s. 32a, subss. 4-12, s. 32b, subss. 2a-19, by-law

- (5) Where a by-law is passed under subsection 4, the clerk of the municipality shall forward by registered mail a certified copy thereof to the secretary-treasurer of the committee of adjustment, to the secretary-treasurer of the land division committee and to the Minister not later than five days after the passing of the by-law, and ten days after the passing of the by-law the land division committee has jurisdiction to grant consents in respect of land in such municipality and the committee of adjustment ceases to have jurisdiction for this purpose.
- Clerk to mail copy of by-law to secretary-treasurer and Minister within 5 days

- 26b.—(1) Notwithstanding any other provision in this Act, if a municipality does not have an official plan approved by the Minister or the Municipal Board on or before the 31st day of December, 1973, a committee of adjustment of such municipality shall after that date have no further jurisdiction to grant consents for the purposes of section 26 and the Minister or the land division committee, as the case may be, shall act in the place and stead of such committee for such purposes.
- When committee of adjustment ceases to have jurisdiction to grant consents

- (2) Notwithstanding any other provision in this Act, the Minister, if he is of the opinion that a committee of adjustment is not giving consents in the manner contemplated by the provisions of this Act, may by order declare that such committee has no further jurisdiction to give consents for the purposes of section 26, and thereafter the Minister or the land division committee, as the case may be, shall act in the place and stead of such committee for such purposes.
- Idem

R.S.O. 1960,  
c. 296, s. 27,  
subs. 1, cl. b,  
re-enacted

**3.—**(1) Clause *b* of subsection 1 of section 27 of *The Planning Act* is repealed and the following substituted therefor:

- (b) with respect to any land in Ontario exercise the powers conferred upon councils by subsection 3 of section 26.

R.S.O. 1960,  
c. 296, s. 27,  
subs. 3,  
re-enacted

(2) Subsection 3 of the said section 27, as amended by section 7 of *The Planning Amendment Act, 1962-63*, is repealed and the following substituted therefor:

Notice

- (3) The Minister may give notice of any such order in such manner as he considers proper and the Minister shall cause a certified copy or duplicate of the order to be registered in the proper registry or land titles office.

R.S.O. 1960,  
c. 296, s. 32a  
(1961-62,  
c. 104, s. 8),  
subs. 12,  
re-enacted,  
subs. 13,  
repealed

**4.** Subsections 12 and 13 of section 32a of *The Planning Act*, as enacted by section 8 of *The Planning Amendment Act, 1961-62*, are repealed and the following substituted therefor:

Rules of  
procedure

- (12) In addition to complying with the requirements imposed upon the committee by this Act, the committee shall comply with such rules of procedure as are prescribed by the Minister by regulation.

R.S.O. 1960,  
c. 296, s. 32b,  
subs. 2a  
(1964, s. 90,  
s. 6, subs. 1),  
re-enacted

**5.—**(1) Subsection 2a of section 32b of *The Planning Act*, as enacted by subsection 1 of section 6 of *The Planning Amendment Act, 1964*, is repealed and the following substituted therefor:

Power of  
committee  
to give  
consent

- (2a) In addition to its powers under subsections 1 and 2 and subject to section 26a, the committee upon the application of the owner of any land or any person authorized in writing by such owner, may, notwithstanding any other Act, give a consent as mentioned in section 26, provided that the committee is satisfied that a plan of subdivision under section 28 of the land described in the application is not necessary for the proper and orderly development of the municipality.

R.S.O. 1960,  
c. 296,  
s. 32b,  
subs. 9a, 9b,  
(1966,  
c. 116, s. 5,  
subs. 2),  
repealed

(2) Subsection 9a, as re-enacted by subsection 2 of section 5 of *The Planning Amendment Act, 1966* and amended by subsection 1 of section 8 of *The Planning Amendment Act, 1967*, and subsection 9b, as enacted by subsection 2 of section 5 of *The Planning Amendment Act, 1966*, of the said section 32b are repealed.



SECTION 3. Complementary to section 1 of the Bill.

SECTION 4. Formerly the rules of procedure of each committee of adjustment were required to be approved by the Minister; provision is now made for the Minister to prescribe uniform rules for all committees.

SECTION 5—Subsection 1. Complementary to section 1 of the Bill.

Subsection 2. The provisions of the repealed subsections have been transferred to subsections 11 and 12 of section 26.



SECTION 6. Complementary to section 4 of the Bill.

6. *The Planning Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 296  
amended

34a. The Minister may make regulations prescribing Regulations  
rules of procedure for committees of adjustment and  
land division committees constituted under this Act.

7. This Act comes into force on the day following the day Commence-  
ment  
it receives Royal Assent.

8. This Act may be cited as *The Planning Amendment Act*, Short title  
1970.

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An Act to amend  
The Planning Act

---

*1st Reading*

June 18th, 1970

*2nd Reading*

June 25th, 1970

*3rd Reading*

---

MR. McKEOUGH

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*(Reprinted as amended by the  
Committee of the Whole House)*

## BILL 162

Government  
Publications

3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

**An Act to amend The Planning Act**

MR. McKEOUGH

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER



## An Act to amend The Planning Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 26 of *The Planning Act*, as re-enacted by sub-<sup>R.S.O. 1960,</sup>  
section 1 of section 1 of *The Planning Amendment Act, 1960-61*<sup>c. 296,</sup>  
and amended by section 6 of *The Planning Amendment Act,*<sup>s. 26</sup>  
*1962-63*, section 2 of *The Planning Amendment Act, 1966,*<sup>(1960-61,</sup>  
section 2 of *The Planning Amendment Act, 1968* and section 3 of<sup>c. 76, s. 1,</sup>  
*The Planning Amendment Act, 1968-69*, is repealed and the<sup>subs. 1),</sup>  
following substituted therefor: <sup>re-enacted</sup>

26.—(1) In this section, “consent” means,

Interpre-  
tation

(a) in the case of land situate in a municipality that forms part of a county for municipal purposes or situate in a municipality that is within a metropolitan, regional or district municipality,

(i) a consent given by the committee of adjustment of such municipality under subsection 2a of section 32b, if such committee was constituted prior to the 15th day of June, 1970, or by such committee constituted on or after the 15th day of June, 1970, if the municipality has an official plan approved by the Minister, or

(ii) where there is no committee of adjustment referred to in subclause i, a consent given by the land division committee constituted under section 26a, or



- (iii) where there is no committee of adjustment referred to in subclause i, or no land division committee referred to in subclause ii, a consent given by the Minister;
- (b) in the case of land situate in a municipality that does not form part of a county for municipal purposes or situate in a municipality that is not within a metropolitan, regional or district municipality, or situate in a municipality in a territorial district,
  - (i) a consent given by the committee of adjustment of such municipality under subsection 2a of section 32b, if such committee was constituted prior to the 15th day of June, 1970, or by such committee constituted on or after the 15th day of June, 1970 if the municipality has an official plan approved by the Minister, or
  - (ii) where there is no committee of adjustment referred to in subclause i, a consent given by the Minister; or
- (c) in the case of land situate in territory without municipal organization, a consent given by the Minister.

Subdivision  
control

- (2) No person shall convey land by way of a deed or transfer, or grant, assign or exercise a power of appointment with respect to land, or mortgage or charge land, or enter into an agreement of sale and purchase of land or enter into any agreement that has the effect of granting the use of or right in land directly or by entitlement to renewal for a period of twenty-one years or more unless,
  - (a) the land is described in accordance with and is within a registered plan of subdivision; or
  - (b) the grantor by deed or transfer, the person granting, assigning or exercising a power of appointment, the mortgagor or chargor, the vendor under an agreement of purchase and sale or the grantor of a use of or right in land, as the case may be, does not retain

the fee or the equity of redemption in, or a power or right to grant, assign or exercise a power of appointment with respect to, any land abutting the land that is being conveyed or otherwise dealt with; or

(c) the land or any use of or right therein is being acquired or disposed of by Her Majesty in right of Canada or Her Majesty in right of Ontario or by any municipality, metropolitan municipality, regional municipality, district municipality or county; or

(d) the land or any use of or right therein is being acquired for the construction of a transmission line as defined in *The Ontario Energy Board Act, 1964* and in respect of which the person acquiring the land or any use of or right therein has made a declaration that it is being acquired for such purpose, which shall be conclusive evidence that it is being acquired for such purpose; or <sup>1964, c. 74</sup>

(e) a consent is given to convey, mortgage or charge the land, or grant, assign or exercise a power of appointment with respect to the land or enter into an agreement with respect to the land.

(3) The council of a municipality may by by-law designate any plan of subdivision, or part thereof, that has been registered for eight years or more, which shall be deemed not to be a registered plan of subdivision for the purposes of subsection 2. <sup>Designation of plans of subdivision not deemed registered</sup>

(4) Where land is within a plan of subdivision registered before or after the coming into force of this section, no person shall convey a part of any lot or block of the land by way of a deed or transfer, or grant, assign or exercise a power of appointment with respect to a part of any lot or block of the land, or mortgage or charge a part of any lot or block of the land, or enter into an agreement of sale and purchase of a part of any lot or block of the land or enter into any agreement that has the effect of granting the use of or right in a part of any lot or block of the land directly or by entitlement to renewal for a period of twenty-one years or more unless, <sup>Part-lot control</sup>

- (a) the grantor by deed or transfer, the person granting, assigning or exercising a power of appointment, the mortgagor or chargor, the vendor under an agreement of purchase and sale or the grantor of a use of or right in land, as the case may be, does not retain the fee or the equity of redemption in, or a power or right to grant, assign or exercise a power of appointment with respect to, any land abutting the land that is being conveyed or otherwise dealt with; or
- (b) the land or any use of or right therein is being acquired or disposed of by Her Majesty in right of Canada or Her Majesty in right of Ontario or by any municipality, metropolitan municipality, regional municipality, district municipality or county; or
- (c) the land or any use of or right therein is being acquired for the construction of a transmission line as defined in *The Ontario Energy Board Act, 1964* and in respect of which the person acquiring the land or any use of or right therein has made a declaration that it is being acquired for such purpose, which shall be conclusive evidence that it is being acquired for such purpose; or
- (d) a consent is given to convey, mortgage or charge the land or grant, assign or exercise a power of appointment with respect to the land or enter into an agreement with respect to the land.

1964, c. 74

Designation  
of plans of  
subdivision  
not subject  
to part-lot  
control

- (5) Notwithstanding subsection 4, the council of a municipality may by by-law provide that subsection 4 does not apply to land that is within such registered plan or plans of subdivision or part or parts thereof as is or are designated in the by-law, and where the by-law is approved by the Minister subsection 4 ceases to apply to such land.

Consent to  
lapse after  
one year

- (6) Any consent mentioned in subsection 2 or 4 shall lapse, in the case of a consent given by the Minister, at the expiration of one year after the date upon which the consent was granted, and in the case of a consent given by the committee of adjustment or the land division committee, at the expiration of one year after the date of the certificate given under

subsection 19 of section 32*b*, unless within such period,

- (a) an agreement was entered into for the sale and purchase of the land in respect of which the consent was granted or that has the effect of granting the use of or right in land directly or by entitlement to renewal for a period of twenty-one years or more; or
- (b) the land in respect of which the consent was granted was conveyed, mortgaged or charged or a power of appointment with respect to the land was exercised,

provided that the committee of adjustment, the land division committee or the Minister, as the case may be, in granting the consent may provide for an earlier lapsing of the consent.

- (7) An agreement, conveyance, mortgage or charge made, or a power of appointment granted, assigned or exercised in contravention of this section or a predecessor thereof does not create or convey any interest in land, but this section does not affect an agreement entered into subject to the express condition contained therein that such agreement is to be effective only if the provisions of this section are complied with. Conveyance, etc., contrary to section not to create or convey interest in land
- (8) A certified copy or duplicate of every by-law passed under subsection 3 shall be lodged by the clerk of the municipality in the office of the Minister. Copy of by-law to be lodged with Minister
- (9) A by-law passed under subsection 3 is not effective until the requirements of subsections 10 and 11 have been complied with. When by-law effective
- (10) A certified copy or duplicate of every by-law passed under this section shall be registered by the clerk of the municipality in the proper registry or land titles office. Copy of by-law to be registered
- (11) The clerk of the municipality shall send by registered mail notice of the passing of a by-law under subsection 3 to each person appearing by the last revised assessment roll to be the owner of land to which the by-law applies, which notice shall be sent to the last known address of each such person. Notice of by-law to be mailed to owners of affected land



Matters to  
be regarded  
in  
determining  
consent,  
conditions

- (12) A committee of adjustment, a land division committee and the Minister, in determining whether a consent is to be given shall have regard to the matters that are to be had regard to under subsection 4 of section 28 and have the same powers with respect to a consent as the Minister has with respect to an approval of a plan of subdivision under subsections 5 and 8 of section 28, and shall require that all conditions imposed be fulfilled prior to the granting of a consent.

Special  
account

- (13) Where on the granting of a consent a condition has been imposed that land be conveyed for public purposes other than highways, any land so conveyed may be sold by the municipality at any time and subsection 10 of section 28 applies to moneys received in lieu of a conveyance of such land and to moneys received from the sale of such land.

Agreements

- (14) Every municipality may enter into agreements imposed as a condition to the granting of a consent.

R.S.O. 1960,  
c. 296,  
amended

**2. The Planning Act** is amended by adding thereto the following sections:

Appointment  
of land  
division  
committee

- 26a.—(1) Where one or more municipalities forming part of a county for municipal purposes, or being within a metropolitan, regional or district municipality, do not have a committee of adjustment constituted prior to the 15th day of June, 1970 the council of the county, or of the metropolitan, regional or district municipality, as the case may be, shall, upon being notified in writing of this fact by the Minister, constitute and appoint a land division committee composed of such persons, not fewer than three, as the council considers advisable.

Interpre-  
tation

- (2) In subsection 3, "employee of a municipality" includes an employee of a local board of the municipality but does not include a teacher employed by a board of education or school board.

Members  
and  
employees  
of county,  
etc., not  
eligible

- (3) No member of council or employee of a county or of a metropolitan, regional or district municipality and no member of council or employee of a municipality forming part of a county or of a municipality being within a metropolitan, regional or district municipality is eligible to be a member of the land division committee constituted by the council of the county or metropolitan, regional or district municipality.

- (4) The provisions of subsections 4 to 12 of section 32a and subsections 2a to 19 of section 32b apply *mutatis mutandis* to the land division committee, but the land division committee does not have jurisdiction to grant consents in respect of land situate in a municipality that has a committee of adjustment constituted prior to the 15th day of June, 1970, or constituted on or after the 15th day of June, 1970 if the municipality has an official plan approved by the Minister, unless the council of such municipality passes a by-law authorizing the land division committee to grant such consents and the time provided for in subsection 5 has elapsed, or unless the committee of adjustment is dissolved. Application of s. 32a, subss. 4-12, s. 32b, subss. 2a-19, by-law
- (5) Where a by-law is passed under subsection 4, the clerk of the municipality shall forward by registered mail a certified copy thereof to the secretary-treasurer of the committee of adjustment, to the secretary-treasurer of the land division committee and to the Minister not later than five days after the passing of the by-law, and ten days after the passing of the by-law the land division committee has jurisdiction to grant consents in respect of land in such municipality and the committee of adjustment ceases to have jurisdiction for this purpose. Clerk to mail copy of by-law to secretary-treasurer and Minister within 5 days
- 26b.—(1) Notwithstanding any other provision in this Act, if a municipality does not have an official plan approved by the Minister or the Municipal Board on or before the 31st day of December, 1973, a committee of adjustment of such municipality shall after that date have no further jurisdiction to grant consents for the purposes of section 26 and the Minister or the land division committee, as the case may be, shall act in the place and stead of such committee for such purposes. When committee of adjustment ceases to have jurisdiction to grant consents
- (2) Notwithstanding any other provision in this Act, the Minister, if he is of the opinion that a committee of adjustment is not giving consents in the manner contemplated by the provisions of this Act, may by order declare that such committee has no further jurisdiction to give consents for the purposes of section 26, and thereafter the Minister or the land division committee, as the case may be, shall act in the place and stead of such committee for such purposes. Idem



R.S.O. 1960,  
c. 296, s. 27,  
subs. 1, cl. b,  
re-enacted

**3.—**(1) Clause *b* of subsection 1 of section 27 of *The Planning Act* is repealed and the following substituted therefor:

- (b) with respect to any land in Ontario exercise the powers conferred upon councils by subsection 3 of section 26.

R.S.O. 1960,  
c. 296, s. 27,  
subs. 3,  
re-enacted

(2) Subsection 3 of the said section 27, as amended by section 7 of *The Planning Amendment Act, 1962-63*, is repealed and the following substituted therefor:

Notice

- (3) The Minister may give notice of any such order in such manner as he considers proper and the Minister shall cause a certified copy or duplicate of the order to be registered in the proper registry or land titles office.

R.S.O. 1960,  
c. 296, s. 32a  
(1961-62,  
c. 104, s. 8),  
subs. 12,  
re-enacted,  
subs. 13,  
repealed

**4.** Subsections 12 and 13 of section 32a of *The Planning Act*, as enacted by section 8 of *The Planning Amendment Act, 1961-62*, are repealed and the following substituted therefor:

Rules of  
procedure

- (12) In addition to complying with the requirements imposed upon the committee by this Act, the committee shall comply with such rules of procedure as are prescribed by the Minister by regulation.

R.S.O. 1960,  
c. 296, s. 32b,  
subs. 2a  
(1964, c. 90,  
s. 6, subs. 1),  
re-enacted

**5.—**(1) Subsection 2a of section 32b of *The Planning Act*, as enacted by subsection 1 of section 6 of *The Planning Amendment Act, 1964*, is repealed and the following substituted therefor:

Power of  
committee  
to give  
consent

- (2a) In addition to its powers under subsections 1 and 2 and subject to section 26a, the committee upon the application of the owner of any land or any person authorized in writing by such owner, may, notwithstanding any other Act, give a consent as mentioned in section 26, provided that the committee is satisfied that a plan of subdivision under section 28 of the land described in the application is not necessary for the proper and orderly development of the municipality.

R.S.O. 1960,  
c. 296,  
s. 32b,  
subs. 9a, 9b,  
(1966,  
c. 116, s. 5,  
subs. 2),  
repealed

(2) Subsection 9a, as re-enacted by subsection 2 of section 5 of *The Planning Amendment Act, 1966* and amended by subsection 1 of section 8 of *The Planning Amendment Act, 1967*, and subsection 9b, as enacted by subsection 2 of section 5 of *The Planning Amendment Act, 1966*, of the said section 32b are repealed.

**6.** *The Planning Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 296  
amended

34a. The Minister may make regulations prescribing Regulations  
rules of procedure for committees of adjustment and  
land division committees constituted under this Act.

**7.** This Act comes into force on the day following the day Commence-  
ment  
it receives Royal Assent.

**8.** This Act may be cited as *The Planning Amendment Act*, Short title  
1970.

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An Act to amend  
The Planning Act

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*1st Reading*

June 18th, 1970

*2nd Reading*

June 25th, 1970

*3rd Reading*

June 26th, 1970

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MR. McKEOUGH

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**BILL 163**

3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

**An Act to amend The Motorized Snow Vehicles Act, 1968**

MR. HASKETT

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### EXPLANATORY NOTES

SECTION 1. Self-explanatory.

SECTION 2. The new section extends the authority of a municipality to regulate, govern and prohibit the operation of motorized snow vehicles within the municipality.

BILL 163

1970

## An Act to amend The Motorized Snow Vehicles Act, 1968

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *e* of section 1 of *The Motorized Snow Vehicles Act, 1968* is repealed. 1968, c. 75,  
s. 1, cl. *e*,  
repealed

2. Section 6 of *The Motorized Snow Vehicles Act, 1968* is repealed and the following substituted therefor: 1968, c. 75,  
s. 6,  
re-enacted

- 6.—(1) The council of a local municipality may pass by-laws regulating, governing or prohibiting the operation of motorized snow vehicles within the municipality including any highways therein or any part or parts thereof. Local  
municipality  
may pass  
by-laws
- (2) Where a by-law is passed under subsection 1, the provisions regulating or governing the operation of motorized snow vehicles under the by-law do not apply to highways or any part or parts thereof that are not under the jurisdiction of the local municipality. Application  
of  
subsection 1
- (3) The council of a county or of a district, metropolitan or regional municipality may pass by-laws regulating and governing the operation of motorized snow vehicles along or across any highway or part of a highway under its jurisdiction. County or  
municipalities  
may pass  
by-laws
- (4) Where the operation of motorized snow vehicles is not prohibited on a highway under the jurisdiction of a county, district, metropolitan or regional municipality by a by-law passed under subsection 1, the council of such municipality may pass by-laws prohibiting the operation of motorized snow vehicles along or across such highway or any part thereof. County or  
municipalities  
may pass  
prohibiting  
by-laws



Application  
of  
R.S.O. 1960,  
c. 249

- (5) Part XXI of *The Municipal Act* applies to by-laws passed under this section.

1968, c. 75,  
s. 7,  
amended

3. Section 7 of *The Motorized Snow Vehicles Act, 1968* is amended by adding thereto the following subsections:

Driver  
on a  
highway  
to hold  
operator's  
or  
chauffeur's  
licence  
R.S.O. 1960,  
c. 172

- (3) Where the operation of a motorized snow vehicle is permitted on a highway under this Act, no person shall drive a motorized snow vehicle on a highway, unless he holds an operator's or chauffeur's licence issued under the authority of *The Highway Traffic Act*.

Exception  
to sub-  
section 3

- (4) Subsection 3 does not apply to any person who is,  
(a) a resident of any other province of Canada; or  
(b) a resident of any other country or state,

and who has complied with the laws of the province, country or state in which he resides as to the licensing of drivers of motorized snow vehicles and provided the province, country or state grants similar exemptions and privileges with respect to the drivers of motorized snow vehicles.

Owner  
not to  
permit  
unauthorized  
driver

- (5) No person who is the owner or in possession or control of a motorized snow vehicle shall permit any person who is not the holder of a chauffeur's licence or operator's licence to operate or drive the motorized snow vehicle on a highway.

1968, c. 75  
amended

4. *The Motorized Snow Vehicles Act, 1968* is amended by adding thereto the following sections:

Reporting  
of collision

- 9a.—(1) Every person in charge of a motorized snow vehicle who is directly or indirectly involved in a collision shall, if the collision results in injury to any person or in damage to property of any person, other than the owner or driver, apparently exceeding \$200 report the collision forthwith to the nearest provincial or municipal police officer and furnish him with information in respect to,

- (a) the names and addresses of the persons involved;  
(b) the date and location of the occurrence; and  
(c) the circumstances under which the collision occurred.

SECTION 3. The amendment requires a driver to be licensed as an operator or chauffeur under *The Highway Traffic Act* when operating a motorized snow vehicle on a highway where such operation is permitted.

SECTION 4. The amendment requires the reporting of a collision in respect of damage to property or injury to any person, other than the owner or driver, apparently exceeding \$200.

The amendment also makes the owner as well as the driver liable for infractions under the Act similar to subsection 1 of section 148 of *The Highway Traffic Act* respecting motor vehicles.



(2) A police officer receiving a report of a collision as <sup>Disposition of report</sup> required by this section, shall forward such report to the Registrar of Motor Vehicles within ten days of its receipt.

9b. The owner of a motorized snow vehicle shall incur <sup>Owner and driver liable for penalties</sup> the penalties provided for any contravention of this Act or of any regulation or of any municipal by-law regulating, governing or prohibiting the operation of motorized snow vehicles, unless at the time of the contravention the motorized snow vehicle was in the possession of some person other than the owner without the owner's consent, and the driver or operator of the motorized snow vehicle, not being the owner, shall also incur the penalties provided for any such contravention.

**5.** This Act comes into force on the day it receives Royal <sup>Commencement</sup> Assent.

**6.** This Act may be cited as *The Motorized Snow Vehicles* <sup>Short title</sup> *Amendment Act, 1970.*

An Act to amend  
The Motorized Snow Vehicles Act, 1968

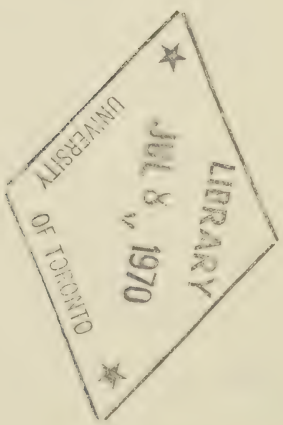
*1st Reading*

June 19th, 1970

*2nd Reading*

*3rd Reading*

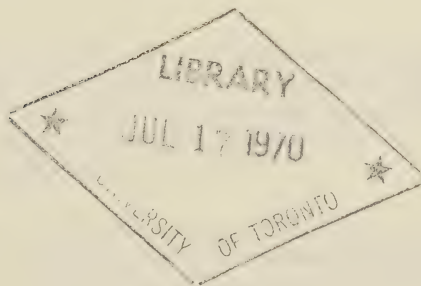
MR. HASKETT



3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

An Act to amend The Motorized Snow Vehicles Act, 1968

MR. HASKETT



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER





BILL 163

1970

## An Act to amend The Motorized Snow Vehicles Act, 1968

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *e* of section 1 of *The Motorized Snow Vehicles Act, 1968* is repealed. 1968, c. 75,  
s. 1, cl. *e*,  
repealed

2. Section 6 of *The Motorized Snow Vehicles Act, 1968* is repealed and the following substituted therefor: 1968, c. 75,  
s. 6,  
re-enacted

6.—(1) The council of a local municipality may pass by-laws regulating, governing or prohibiting the operation of motorized snow vehicles within the municipality including any highways therein or any part or parts thereof. Local  
municipality  
may pass  
by-laws

(2) Where a by-law is passed under subsection 1, the provisions regulating or governing the operation of motorized snow vehicles under the by-law do not apply to highways or any part or parts thereof that are not under the jurisdiction of the local municipality. Application  
of  
subsection 1

(3) The council of a county or of a district, metropolitan or regional municipality may pass by-laws regulating and governing the operation of motorized snow vehicles along or across any highway or part of a highway under its jurisdiction. County or  
municipalities  
may pass  
by-laws

(4) Where the operation of motorized snow vehicles is not prohibited on a highway under the jurisdiction of a county, district, metropolitan or regional municipality by a by-law passed under subsection 1, the council of such municipality may pass by-laws prohibiting the operation of motorized snow vehicles along or across such highway or any part thereof. County or  
municipalities  
may pass  
prohibiting  
by-laws

Application  
of  
R.S.O. 1960,  
c. 249

- (5) Part XXI of *The Municipal Act* applies to by-laws passed under this section.

1968, c. 75,  
s. 7,  
amended

3. Section 7 of *The Motorized Snow Vehicles Act, 1968* is amended by adding thereto the following subsections:

Driver  
on a  
highway  
to hold  
operator's  
or  
chauffeur's  
licence  
R.S.O. 1960,  
c. 172

- (3) Where the operation of a motorized snow vehicle is permitted on a highway under this Act, no person shall drive a motorized snow vehicle on a highway, unless he holds an operator's or chauffeur's licence issued under the authority of *The Highway Traffic Act*.

Exception  
to sub-  
section 3

- (4) Subsection 3 does not apply to any person who is,  
(a) a resident of any other province of Canada; or  
(b) a resident of any other country or state,

and who has complied with the laws of the province, country or state in which he resides as to the licensing of drivers of motorized snow vehicles and provided the province, country or state grants similar exemptions and privileges with respect to the drivers of motorized snow vehicles.

Owner  
not to  
permit  
unauthorized  
driver

- (5) No person who is the owner or in possession or control of a motorized snow vehicle shall permit any person who is not the holder of a chauffeur's licence or operator's licence to operate or drive the motorized snow vehicle on a highway.

1968, c. 75  
amended

4. *The Motorized Snow Vehicles Act, 1968* is amended by adding thereto the following sections:

Reporting  
of collision

- 9a.—(1) Every person in charge of a motorized snow vehicle who is directly or indirectly involved in a collision shall, if the collision results in injury to any person or in damage to property of any person, other than the owner or driver, apparently exceeding \$200 report the collision forthwith to the nearest provincial or municipal police officer and furnish him with information in respect to,

- (a) the names and addresses of the persons involved;  
(b) the date and location of the occurrence; and  
(c) the circumstances under which the collision occurred.

(2) A police officer receiving a report of a collision as required by this section, shall forward such report to the Registrar of Motor Vehicles within ten days of its receipt. <sup>Disposition of report</sup>

9b. The owner of a motorized snow vehicle shall incur the penalties provided for any contravention of this Act or of any regulation or of any municipal by-law regulating, governing or prohibiting the operation of motorized snow vehicles, unless at the time of the contravention the motorized snow vehicle was in the possession of some person other than the owner without the owner's consent, and the driver or operator of the motorized snow vehicle, not being the owner, shall also incur the penalties provided for any such contravention. <sup>Owner and driver liable for penalties</sup>

**5.** This Act comes into force on the day it receives Royal Assent. <sup>Commencement</sup>

**6.** This Act may be cited as *The Motorized Snow Vehicles Amendment Act, 1970*. <sup>Short title</sup>







An Act to amend  
The Motorized Snow Vehicles Act, 1968

*1st Reading*

June 19th, 1970

*2nd Reading*

June 25th, 1970

*3rd Reading*

June 26th, 1970

MR. HASKETT

**BILL 164**

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3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

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**An Act to amend The Highway Traffic Act**

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MR. HASKETT

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#### EXPLANATORY NOTES

SECTION 1. Complementary to section 7 of this Bill.

SECTION 2. The new section prohibits the sale in Ontario by a dealer of vehicles that do not conform to the federal standards.

SECTION 3. Weight on three-axle semi-trailers, etc., is increased from 32,000 to 42,000 pounds.

## An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 28 of *The Highway Traffic Act* is amended by striking out "and there is filed proof of financial responsibility under section 111" in the second and third lines, so that the section shall read as follows: R.S.O. 1960, c. 172, s. 28, amended

28. If a person whose licence has been suspended enters an appeal against his conviction, the suspension does not apply unless the conviction is sustained on appeal. Suspension on appeal

2. *The Highway Traffic Act* is amended by adding thereto the following section: R.S.O. 1960, c. 172, amended

51b. No person who deals in motor vehicles shall sell or offer to sell a motor vehicle manufactured after the date this section comes into force that does not conform to the standards required under the *Motor Vehicle Safety Act* (Canada), and bears the National Safety Mark referred to therein. Sale of vehicles that do not conform to federal standards prohibited 1969-70, c. . . .

3.—(1) Paragraph 6 of subsection 2 of section 52 of *The Highway Traffic Act*, as enacted by subsection 5 of section 6 of *The Highway Traffic Amendment Act, 1960-61*, is amended by striking out "32,000" in the fourth line and inserting in lieu thereof "42,000", so that the paragraph shall read as follows: R.S.O. 1960, c. 172, s. 52, subs. 2, par. 6 (1960-61, c. 34, s. 6, subs. 5), amended

6. The gross weight of a semi-trailer with three axles or a pole-trailer with three axles so designed that under any loading conditions the weight on the three axles remains constant shall not exceed 42,000 pounds. As to weight of three-axle semi-trailers, etc.

R.S.O. 1960,  
c. 172, s. 52,  
subs. 2a  
(1966, c. 64,  
s. 11,  
subs. 2),  
repealed

(2) Subsection 2a of the said section 52, as re-enacted by subsection 2 of section 11 of *The Highway Traffic Amendment Act, 1966* and amended by section 7 of *The Highway Traffic Amendment Act, 1967* and section 13 of *The Highway Traffic Amendment Act, 1968*, is repealed.

R.S.O. 1960,  
c. 172, s. 53,  
subs. 1,  
amended

4.—(1) Subsection 1 of section 53 of *The Highway Traffic Act* is amended by adding at the end thereof “or Part XVI”, so that the subsection shall read as follows:

Permits

(1) The municipal corporation or other authority having jurisdiction over the highway may, upon application in writing, grant a permit for the moving of heavy vehicles, loads, objects or structures in excess of the limits prescribed by section 52 or 58 or Part XVI.

R.S.O. 1960,  
c. 172, s. 53,  
subs. 6  
(1968-69,  
c. 45, s. 38),  
re-enacted

(2) Subsection 6 of the said section 53, as re-enacted by section 38 of *The Highway Traffic Amendment Act, 1968-69*, is repealed and the following substituted therefor:

Penalty

(6) Every person to whom a permit has been issued under this section who operates or permits the operation of a vehicle or combination of vehicles contrary to any of the conditions of such permit is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$500 and in addition a fine shall be imposed as if he had also been convicted of an offence under subsection 7 of section 52 in respect of any gross weight in excess of the gross weight permitted under that section or clause a of section 162 in respect of any excess axle unit weight as if no special permit had been issued.

R.S.O. 1960,  
c. 172, s. 70,  
amended

5. Section 70 of *The Highway Traffic Act* is amended by adding thereto the following subsection:

Symbols

(13a) The “walk”, “wait” and “don’t walk” pedestrian control signals referred to in subsection 13 may be shown by symbols as prescribed by the regulations.

R.S.O. 1960,  
c. 172,  
amended

6. *The Highway Traffic Act* is amended by adding thereto the following section:

Air  
cushioned  
vehicles  
prohibited  
on highways

100d. No person shall operate a vehicle commonly known as an air cushioned vehicle on a highway.

R.S.O. 1960,  
c. 172,  
Pt. XII  
(ss. 109-127),  
re-enacted

7. Part XII of *The Highway Traffic Act*, as amended by section 14 of *The Highway Traffic Amendment Act, 1961-62*, section 16 of *The Highway Traffic Amendment Act, 1962-63*,

SECTION 4—Subsection 1. The provision is amended to refer to the new Part XVI.

Subsection 2. The subsection is revised to provide a penalty for an axle unit overload on a vehicle operating under a special permit.

SECTION 5. The amendment authorizes the use of symbols for pedestrian control signals.

SECTION 6. Self-explanatory.

SECTION 7. Part XII is revised to delete the provisions with respect to suspensions for failure to file proof of financial responsibility.





sections 14 and 15 of *The Highway Traffic Amendment Act, 1964*, sections 13 and 14 of *The Highway Traffic Amendment Act, 1965* and sections 67 and 68 of *The Highway Traffic Amendment Act, 1968-69*, is repealed and the following substituted therefor:

## PART XII

### SUSPENSION FOR FAILURE TO PAY JUDGMENTS

109. In this Part,

Interpre-  
tation

- (a) "driver's licence" means an operator's or a chauffeur's licence issued pursuant to this Act;
- (b) "motor vehicle", in addition to the meaning given in section 1, includes "trailer", as defined in section 1.

110. Where the Registrar has suspended a licence or permit, he shall send notice of such suspension by registered mail to the latest address appearing on the records of the Department of the person whose licence or permit is suspended.

Notice of  
suspension

111.—(1) The driver's licence of every person who fails to satisfy a judgment rendered against him by any court in Ontario that has become final by affirmation on appeal or by expiry without appeal of the time allowed for appeal, for damages on account of injury to or the death of any person, or on account of damage to property, occasioned by a motor vehicle, within fifteen days from the date upon which such judgment became final shall be suspended by the Registrar upon receiving a certificate of such final judgment from the court in which the same is rendered and after fifteen days notice has been sent to such person of intention to suspend his licence unless such judgment is satisfied within such period, and shall remain so suspended and shall not at any time thereafter be renewed, nor shall any new driver's licence be thereafter issued to such person, until such judgment is satisfied or discharged, otherwise than by a discharge in bankruptcy, to the extent of the minimum limits of liability required by *The Insurance Act* in respect of motor vehicle liability policies.

Licence  
suspended  
for failure  
to pay  
judgment

R.S.O. 1960,  
c. 190

(2) Notwithstanding subsection 1, the Registrar shall not suspend under subsection 1 the driver's licence of any person who is indebted to the Motor Vehicle Accident Claims Fund.

Application  
where  
person  
indebted  
to Fund

Payment of  
judgments in  
instalments

- (3) A judgment debtor may, on due notice to the judgment creditor, apply to the court in which the trial judgment was obtained for the privilege of paying the judgment in instalments, and the court may, in its discretion, so order, fixing the amounts and times of payment of the instalments, and while the judgment debtor is not in default in payment of such instalments, he shall be deemed not in default in payment of the judgment, and the Minister may restore the driver's licence of the judgment debtor, but such driver's licence shall again be suspended and remain suspended, as provided in subsection 1, if the Registrar is satisfied of default made by the judgment debtor in compliance with the terms of the court order.

Reciprocal  
effect of  
subsection 1  
with states  
having  
similar  
legislation

- (4) The Lieutenant Governor in Council, upon the report of the Minister that a province or state has enacted legislation similar in effect to subsection 1 and that such legislation extends and applies to judgments rendered and become final against residents of that province or state by any court of competent jurisdiction in Ontario, may declare that the provisions of subsection 1 shall extend and apply to judgments rendered and become final against residents of Ontario by any court of competent jurisdiction in such province or state.

R.S.O. 1960,  
c. 172, s. 146,  
cl. c, subcl. v,  
repealed

8. Subclause v of clause c of section 146 of *The Highway Traffic Act* is repealed.

R.S.O. 1960,  
c. 172,  
amended

9. *The Highway Traffic Act* is amended by adding thereto the following Part:

## PART XVI

### AXLE WEIGHTS

Interpre-  
tation

#### 160.—(1) In this Part,

- (a) "axle" means an assembly of two or more wheels whose centres are in one transverse vertical plane;
- (b) "axle group" means an assemblage of any two or more consecutive axle units considered together in determining their combined load effect;
- (c) "axle group weight" means the total weight transmitted to the highway by an axle group;

SECTION 8. Complementary to section 7 of this Bill.

SECTION 9. This Part introduces a new principle in determining maximum weights for commercial vehicles by the application of the "bridge formula".



- (d) "axle unit" means any single axle, dual axle or triple axle;
  - (e) "axle unit weight" means the total weight transmitted to the highway by an axle unit;
  - (f) "Class A Highway" means a highway designated as such by the Minister;
  - (g) "Class B Highway" means a highway not designated by the Minister as a Class A Highway;
  - (h) "dual axle" means any two consecutive axles, whose centres are more than 40 inches but less than 96 inches apart, articulated from a common attachment to the vehicle and designed to equalize the load between axles;
  - (i) "single axle" means one or more axles whose centres are included between two parallel transverse vertical planes 40 inches apart;
  - (j) "triple axle" means any three consecutive axles, whose consecutive centres are more than 40 inches but less than 96 inches apart, articulated from an attachment to the vehicle common to consecutive axles and designed to equalize the load between axles.
- (2) The spacing between axles is the shortest distance <sup>Spacing between axles</sup> between the centre of rotation of one axle and the centre of rotation of the other.
- (3) For the purposes of Table 2, the axle spacing is the <sup>Idem</sup> distance measured between the outer axles forming an axle unit.
- 161.—(1) No vehicle, object or contrivance for moving loads that is equipped with tires of less than six inches in width shall be operated or moved upon or over any highway the weight of which or the gross weight of which exceeds 500 pounds upon any inch in width of tire roller, wheel or other object, and no vehicle equipped with tires of six inches or more in width, the weight or gross weight of which exceeds 600 pounds upon any inch in width of the tire, shall be so operated without first obtaining a permit as provided by section 53. <sup>Restrictions as to weight on tires</sup>



How width  
ascertained

- (2) For the purpose of this section, the width of solid rubber or pneumatic tires shall be as stamped thereon by the manufacturer.

Restriction  
on weight of  
axles

162. Subject to the provisions of section 53,

prescribed  
by the  
regulations  
on Class A  
Highway

- (a) no vehicle or combination of vehicles shall be operated on a Class A Highway where any axle unit weight or axle group weight exceeds that prescribed in the regulations for such vehicle or combination of vehicles or as permitted by temporary authority issued pursuant to clause *b*;

temporary  
authority

- (b) where the regulations do not prescribe the axle unit weights and axle group weights in respect of a particular vehicle or combination of vehicles, the owner may apply to the Department for a temporary authority permitting the operation of the vehicle or combination of vehicles on a highway in accordance with section 163;

prescribed  
by  
temporary  
authority

- (c) no vehicle or combination of vehicles shall be operated on a highway where the axle spacing of such vehicle or combination of vehicles are not prescribed in the regulations or the owner is not the holder of the temporary authority issued pursuant to clause *b*; and

production  
of  
temporary  
authority

- (d) the temporary authority issued pursuant to clause *b* or a true copy thereof, shall whenever the vehicle or combination of vehicles is on a highway be carried by the driver thereof or placed in some readily accessible position and shall be produced when demanded by a constable or an officer appointed for carrying out the provisions of this Act or *The Public Commercial Vehicles Act*.

R.S.O. 1960,  
c. 319

Maximum  
allowable  
axle unit  
weights

163—(1) The maximum allowable axle unit weight shall be,

- (a) for a single axle, 20,000 pounds;
- (b) for a dual axle, that weight shown in Column 2 opposite the corresponding axle spacing shown in Column 1 of Table 1;
- (c) for a triple axle, that weight shown in Column 2 opposite the corresponding axle spacing shown in Column 1 of Table 2.

- (2) The axle unit weights and axle group weights used <sup>Application of formula</sup> in respect of a temporary authority issued under clause *b* of section 162 shall be based on the lesser of the maximum axle unit weight referred to in sub-section 1 and that derived from the application of the following formula:

$$W_m = 20 + 2.07 B_m - 0.0071 B_m^2.$$

where:  $B_m = Kb$

$W_m$  is the axle group weight limit

$B_m$  is the equivalent base length of the axle group

$b$  is the base length, being the distance between the extreme axle of an axle group

$K$  is a parameter as defined by the equation

$$K = \frac{4 \sum_{i=1}^N P_i |x_i|}{b \sum_{i=1}^N P_i} - \frac{2(N-1)}{N} \times \left( \frac{\sum_{i=1}^N P_i x_i}{b \sum_{i=1}^N P_i} \right)^2$$

where:

$N$  is the number of axles in an axle group (count 2 for dual-axle and 3 for a triple axle)

$P_i$  is the weight of any individual axle

$P_m$  is the weight of the axle closest to the centre of gravity of the axle group load

$x_i$  is the distance of an axle load  $P_i$  from the axle load  $P_m$ . This distance is to be taken as positive when measured right of  $P_m$ , and negative when measured left of  $P_m$ .

$|x_i|$  is the absolute value of the distance  $x_i$ .

- 164.—(1) During freeze-up the maximum weight for a <sup>Raw forest products</sup> vehicle or combination of vehicles while carrying <sup>allowance</sup> raw forest products only shall be one hundred and <sup>during</sup> ten per cent of that weight for which the vehicle or combination of vehicles is registered provided no axle unit weight exceeds by more than ten per cent that weight prescribed in the regulations or temporary authority issued pursuant to clause *b* of section 162 for such vehicle or combination of vehicles.

Definition	(2) For the purpose of this section, "freeze-up" shall be such period of time as designated by the Minister.
Restriction	(3) No vehicle or combination of vehicles shall be operated on a highway in excess of the weight limits authorized in subsection 1.
Restriction as to Class B Highway	165. Unless a special permit has been issued pursuant to section 53, no vehicle or combination of vehicles shall be operated on a Class B Highway where the weight upon one axle exceeds 18,000 pounds and if the axles are spaced less than eight feet apart, the weight on one axle shall not exceed 12,000 pounds.
Prohibition as to carrying load in excess of permit	166.—(1) No vehicle or combination of vehicles having a permit issued under this Act, the fee for which is based upon the weight of the vehicle or combination of vehicles and load, shall at any time when on a highway carry a load in excess of that for which the permit was issued as stated upon the permit and for which the fee therefor was estimated.
Production of permit	(2) The permit issued for a commercial motor vehicle and for every trailer drawn by it, or a true copy thereof, shall, whenever such vehicle is on a highway, be carried by the driver thereof or placed in some readily accessible position in the vehicle and shall be produced when demanded by a constable or an officer appointed for carrying out the provisions of this Act or <i>The Public Commercial Vehicles Act</i> .
R.S.O. 1960, c. 319	
Exception	(3) Subsection 2 does not apply when a permit has been surrendered for transfer of registration or when such surrender is required by law.
Weight of load during March or April	(4) During the months of March and April, commercial motor vehicles and trailers, other than public vehicles operated over or upon any portion of the King's Highway to which the provisions of this subsection are declared to be applicable by the Lieutenant Governor in Council, or upon any other highway not within a city or separated town, shall not be loaded so that any axle transmits to the road a weight in excess of 10,000 pounds without obtaining a permit as provided by section 53.
Idem	(5) During the months of March and April, a vehicle other than a motor vehicle, or trailer, operated over or upon any portion of the King's Highway to which the provisions of this subsection are declared to be

applicable by the Lieutenant Governor in Council or upon any other highway not within a city or separated town and having a carrying capacity exceeding one ton shall not be loaded in excess of 250 pounds upon any inch in width of tire without obtaining a permit as provided by section 53.

- (6) Every person who contravenes any of the provisions of subsection 1, 4 or 5 is guilty of an offence and on summary conviction is liable to a fine as if he had been convicted under subsection 1 of section 169 and in addition, if the conviction is for a contravention under subsection 1, the Registrar may suspend the registration permit of the vehicle or vehicles involved and such suspension shall continue until the vehicle has been reregistered at the maximum gross weight allowable and the additional registration fee has been paid. Penalty
- (7) The council of a city or separated town may, by by-law declare the provisions of subsections 4, 5 and 6 to be in force in respect of highways within the city or separated town. Application to city or separated town
- (8) The municipal corporation or other authority having jurisdiction over any highway may declare the provisions of subsections 4, 5 and 6 to extend and apply to highways under its jurisdiction during any period of the year or that the provisions of subsections 4 and 5 do not apply to any or all highways under its jurisdiction; but a by-law of a municipality passed under this subsection does not take effect until it has received the approval of the Minister. Extension of period by municipality
- (9) In the case of King's Highways and highways in territory without municipal organization, the Lieutenant Governor in Council may declare the provisions of subsections 4, 5 and 6 to extend and apply during any period of the year. Extension of period on King's Highway, etc.
- 167.—(1) Any constable or any officer appointed for carrying out the provisions of this Act, having reasons to believe that the weight of a vehicle and load is in excess of that permitted by this Act or in excess of that authorized under the permit issued for the vehicle, may weigh the same either by means of portable or stationary scales and may require that such vehicle be driven to the nearest scale if they are within a distance of 10 miles, and where it is found that the vehicle is carrying an excessive Power of officer to have load weighed



load, the constable or officer may require the driver to forthwith remove so much of the load as is necessary to bring it within the weight so permitted or authorized.

Measure of  
axle spacing

- (2) To determine whether the weight of the vehicle and load is in excess of that permitted by this Act or in excess of that authorized under the permit issued for the vehicle, the constable or officer appointed for carrying out the provisions of this Act may conduct such examination as is necessary to ascertain the distance between the axles of the vehicle or combination of vehicles.

Penalty

- (3) Every driver who, when so required to proceed to a weighing machine, refuses or fails to do so is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$100.

Production  
of inventory

- (4) When a weighing machine capable of weighing a vehicle is distant more than 10 miles from the vehicle, the driver of the vehicle, in lieu of proceeding to a weighing machine, shall produce forthwith an inventory showing the true weight of the vehicle and the goods or load thereon, verified in writing by the owner of the vehicle or by a person authorized in writing by the owner to make such verification.

Penalty

- (5) Every person who contravenes any of the provisions of subsection 4 is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$100.

Regulations

168. The Lieutenant Governor in Council may make regulations,

- (a) prescribing by charts and tables the weights in accordance with the provisions of section 163 that may be transmitted to the highway by an axle unit, axle group, vehicle or combination of vehicles;
- (b) prescribing tolerances with respect to axle unit weights;
- (c) prescribing markings to be placed on vehicles respecting vehicle registration and weights.

Penalty

169.—(1) Every person who contravenes any of the provisions of subsection 1 of section 161, clause *a* of

section 162, subsection 3 of section 164 or section 165 is guilty of an offence and on summary conviction is liable to a fine of,

- (a) 50 cents per hundredweight or part thereof of the weight permitted by this Part and the regulations thereunder where the overweight is less than 5,000 pounds;
  - (b) \$1 per hundredweight or part thereof of the weight permitted by this Part and the regulations thereunder where the overweight is 5,000 pounds or more but is less than 10,000 pounds;
  - (c) \$2 per hundredweight or part thereof of the weight permitted by this Part and the regulations thereunder where the overweight is 10,000 pounds or more but is less than 15,000 pounds;
  - (d) \$3 per hundredweight or part thereof of the weight permitted by this Part and the regulations thereunder where the overweight is 15,000 pounds or more but is less than 20,000 pounds;
  - (e) \$4 per hundredweight or part thereof of the weight permitted by this Part and the regulations thereunder where the overweight is 20,000 pounds or more but is less than 30,000 pounds; and
  - (f) \$5 per hundredweight or part thereof of the weight permitted by this Part and the regulations thereunder where the overweight is 30,000 pounds or more.
- (2) Every person who contravenes clause *c* of section 162 <sup>Idem</sup> is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$500.
- (3) Every person who contravenes clause *d* of section 162 <sup>Idem</sup> is guilty of an offence and on summary conviction is liable to a fine of not less than \$20 and not more than \$50.

170.—(1) Subject to subsection 2, on and after the 1st day of March, 1971, a vehicle or combination of vehicles may be operated on a highway only in <sup>1st Application of Part VI or XVI after March 1st, 1971</sup>



accordance with and subject to the provisions of this Part and section 53 or Part VI.

Part VI  
not to apply  
after  
March 31st,  
1976

- (2) A vehicle or combination of vehicles may be operated in accordance with and subject to the provisions of Part VI only until and including the 31st day of March, 1976.

TABLE 1

## MAXIMUM ALLOWABLE WEIGHT FOR DUAL AXLE

COLUMN ONE	COLUMN TWO
Axle Spacing in Inches	Maximum Allowable Weight in Pounds
less than 48	32,000
48	35,000
51	35,500
54	36,000
57	36,500
60	37,500
63	38,000
66	38,500
69	39,000
72	40,000

TABLE 2

## MAXIMUM ALLOWABLE WEIGHT FOR TRIPLE-AXLE

COLUMN ONE	COLUMN TWO
Axle Spacing in Inches	Maximum Allowable Weight in Pounds
less than 96	40,000
96	44,000
108	44,000
111	44,500
114	45,000
117	45,500
120	46,000
123	46,500
126	47,500
129	48,000

TABLE 2—*Continued*

COLUMN ONE	COLUMN TWO
Axle Spacing in Inches	Maximum Allowable Weight in Pounds
132	49,000
135	49,500
138	50,000
141	50,500
144	51,000
147	51,500
150	52,500
153	53,000
156	54,000
159	54,500
162	55,000
165	55,500
168	56,000
171	56,500
174	57,000
177	57,500
180	58,500
183	59,000
186	59,500
189	59,500
192	60,000

**10.**—(1) This Act, except sections 1, 2, 4, 7, 8 and 9, <sup>Commence-</sup>comes into force on the day it receives Royal Assent <sup>ment</sup>

(2) Sections 1, 7 and 8 come into force on the 1st day of *Idem* December, 1970.

(3) Subsection 1 of section 4 and section 9 come into force *Idem* on the 1st day of March, 1971.

(4) Subsection 2 of section 4 comes into force on the *Idem* 1st day of April, 1971.

(5) Section 2 comes into force on a day to be named by *Idem* the Lieutenant Governor by his proclamation.

**11.** This Act may be cited as *The Highway Traffic Amend-* <sup>Short title</sup>  
*ment Act, 1970.*

An Act to amend  
The Highway Traffic Act

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*1st Reading*

June 19th, 1970

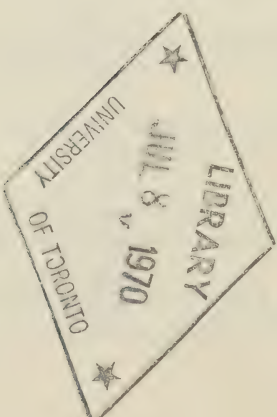
*2nd Reading*

*3rd Reading*

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MR. HASKETT

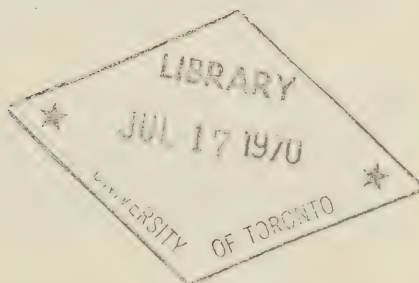
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3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

**An Act to amend The Highway Traffic Act**

MR. HASKETT





BILL 164

1970

## An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 28 of *The Highway Traffic Act* is amended by striking out "and there is filed proof of financial responsibility under section 111" in the second and third lines, so that the section shall read as follows: R.S.O. 1960, c. 172, s. 28, amended

28. If a person whose licence has been suspended enters an appeal against his conviction, the suspension does not apply unless the conviction is sustained on appeal. Suspension on appeal

2. *The Highway Traffic Act* is amended by adding thereto the following section: R.S.O. 1960, c. 172, amended

51b. No person who deals in motor vehicles shall sell or offer to sell a motor vehicle manufactured after the date this section comes into force that does not conform to the standards required under the *Motor Vehicle Safety Act* (Canada), and bears the National Safety Mark referred to therein. Sale of vehicles that do not conform to federal standards prohibited 1969-70, c. ...

3.—(1) Paragraph 6 of subsection 2 of section 52 of *The Highway Traffic Act*, as enacted by subsection 5 of section 6 of *The Highway Traffic Amendment Act, 1960-61*, is amended by striking out "32,000" in the fourth line and inserting in lieu thereof "42,000", so that the paragraph shall read as follows: R.S.O. 1960, c. 172, s. 52, subs. 2, par. 6 (1960-61, c. 34, s. 6, subs. 5), amended

6. The gross weight of a semi-trailer with three axles or a pole-trailer with three axles so designed that under any loading conditions the weight on the three axles remains constant shall not exceed 42,000 pounds. As to weight of three-axle semi-trailers, etc.



R.S.O. 1960,  
c. 172, s. 52,  
subs. 2a  
(1966, c. 64,  
s. 11,  
subs. 2),  
repealed

(2) Subsection 2a of the said section 52, as re-enacted by subsection 2 of section 11 of *The Highway Traffic Amendment Act, 1966* and amended by section 7 of *The Highway Traffic Amendment Act, 1967* and section 13 of *The Highway Traffic Amendment Act, 1968*, is repealed.

R.S.O. 1960,  
c. 172, s. 53,  
subs. 1,  
amended

4.—(1) Subsection 1 of section 53 of *The Highway Traffic Act* is amended by adding at the end thereof “or Part XVI”, so that the subsection shall read as follows:

Permits

(1) The municipal corporation or other authority having jurisdiction over the highway may, upon application in writing, grant a permit for the moving of heavy vehicles, loads, objects or structures in excess of the limits prescribed by section 52 or 58 or Part XVI.

R.S.O. 1960,  
c. 172, s. 53,  
subs. 6  
(1968-69,  
c. 45, s. 38),  
re-enacted

(2) Subsection 6 of the said section 53, as re-enacted by section 38 of *The Highway Traffic Amendment Act, 1968-69*, is repealed and the following substituted therefor:

Penalty

(6) Every person to whom a permit has been issued under this section who operates or permits the operation of a vehicle or combination of vehicles contrary to any of the conditions of such permit is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$500 and in addition a fine shall be imposed as if he had also been convicted of an offence under subsection 7 of section 52 in respect of any gross weight in excess of the gross weight permitted under that section or clause a of section 162 in respect of any excess axle unit weight as if no special permit had been issued.

R.S.O. 1960,  
c. 172, s. 70,  
amended

5. Section 70 of *The Highway Traffic Act* is amended by adding thereto the following subsection:

Symbols

(13a) The “walk”, “wait” and “don’t walk” pedestrian control signals referred to in subsection 13 may be shown by symbols as prescribed by the regulations.

R.S.O. 1960,  
c. 172,  
amended

6. *The Highway Traffic Act* is amended by adding thereto the following section:

Air  
cushioned  
vehicles  
prohibited  
on highways

100d. No person shall operate a vehicle commonly known as an air cushioned vehicle on a highway.

R.S.O. 1960,  
c. 172,  
Pt. XII  
(ss. 109-127),  
re-enacted

7. Part XII of *The Highway Traffic Act*, as amended by section 14 of *The Highway Traffic Amendment Act, 1961-62*, section 16 of *The Highway Traffic Amendment Act, 1962-63*,

sections 14 and 15 of *The Highway Traffic Amendment Act, 1964*, sections 13 and 14 of *The Highway Traffic Amendment Act, 1965* and sections 67 and 68 of *The Highway Traffic Amendment Act, 1968-69*, is repealed and the following substituted therefor:

## PART XII

### SUSPENSION FOR FAILURE TO PAY JUDGMENTS

109. In this Part,

Interpre-  
tation

- (a) "driver's licence" means an operator's or a chauffeur's licence issued pursuant to this Act;
- (b) "motor vehicle", in addition to the meaning given in section 1, includes "trailer", as defined in section 1.

110. Where the Registrar has suspended a licence or permit, he shall send notice of such suspension by registered mail to the latest address appearing on the records of the Department of the person whose licence or permit is suspended.

Notice of  
suspension

111.—(1) The driver's licence of every person who fails to satisfy a judgment rendered against him by any court in Ontario that has become final by affirmation on appeal or by expiry without appeal of the time allowed for appeal, for damages on account of injury to or the death of any person, or on account of damage to property, occasioned by a motor vehicle, within fifteen days from the date upon which such judgment became final shall be suspended by the Registrar upon receiving a certificate of such final judgment from the court in which the same is rendered and after fifteen days notice has been sent to such person of intention to suspend his licence unless such judgment is satisfied within such period, and shall remain so suspended and shall not at any time thereafter be renewed, nor shall any new driver's licence be thereafter issued to such person, until such judgment is satisfied or discharged, otherwise than by a discharge in bankruptcy, to the extent of the minimum limits of liability required by *The Insurance Act* in respect of motor vehicle liability policies.

Licence  
suspended  
for failure  
to pay  
judgment

R.S.O. 1960,  
c. 190

(2) Notwithstanding subsection 1, the Registrar shall not suspend under subsection 1 the driver's licence of any person who is indebted to the Motor Vehicle Accident Claims Fund.

Application  
where  
person  
indebted  
to Fund

Payment of  
judgments in  
instalments

- (3) A judgment debtor may, on due notice to the judgment creditor, apply to the court in which the trial judgment was obtained for the privilege of paying the judgment in instalments, and the court may, in its discretion, so order, fixing the amounts and times of payment of the instalments, and while the judgment debtor is not in default in payment of such instalments, he shall be deemed not in default in payment of the judgment, and the Minister may restore the driver's licence of the judgment debtor, but such driver's licence shall again be suspended and remain suspended, as provided in subsection 1, if the Registrar is satisfied of default made by the judgment debtor in compliance with the terms of the court order.

Reciprocal  
effect of  
subsection 1  
with states  
having  
similar  
legislation

- (4) The Lieutenant Governor in Council, upon the report of the Minister that a province or state has enacted legislation similar in effect to subsection 1 and that such legislation extends and applies to judgments rendered and become final against residents of that province or state by any court of competent jurisdiction in Ontario, may declare that the provisions of subsection 1 shall extend and apply to judgments rendered and become final against residents of Ontario by any court of competent jurisdiction in such province or state.

R.S.O. 1960,  
c. 172, s. 146,  
cl. c, subcl. v,  
repealed

8. Subclause v of clause c of section 146 of *The Highway Traffic Act* is repealed.

R.S.O. 1960,  
c. 172,  
amended

9. *The Highway Traffic Act* is amended by adding thereto the following Part:

## PART XVI

### AXLE WEIGHTS

Interpre-  
tation

160.—(1) In this Part,

- (a) "axle" means an assembly of two or more wheels whose centres are in one transverse vertical plane;
- (b) "axle group" means an assemblage of any two or more consecutive axle units considered together in determining their combined load effect;
- (c) "axle group weight" means the total weight transmitted to the highway by an axle group;

- (d) "axle unit" means any single axle, dual axle or triple axle;
  - (e) "axle unit weight" means the total weight transmitted to the highway by an axle unit;
  - (f) "Class A Highway" means a highway designated as such by the Minister;
  - (g) "Class B Highway" means a highway not designated by the Minister as a Class A Highway;
  - (h) "dual axle" means any two consecutive axles, whose centres are more than 40 inches but less than 96 inches apart, articulated from a common attachment to the vehicle and designed to equalize the load between axles;
  - (i) "single axle" means one or more axles whose centres are included between two parallel transverse vertical planes 40 inches apart;
  - (j) "triple axle" means any three consecutive axles, whose consecutive centres are more than 40 inches but less than 96 inches apart, articulated from an attachment to the vehicle common to consecutive axles and designed to equalize the load between axles.
- (2) The spacing between axles is the shortest distance <sup>Spacing between axles</sup> between the centre of rotation of one axle and the centre of rotation of the other.
- (3) For the purposes of Table 2, the axle spacing is the <sup>Idem</sup> distance measured between the outer axles forming an axle unit.
- 161.—(1) No vehicle, object or contrivance for moving <sup>Restrictions as to weight on tires</sup> loads that is equipped with tires of less than six inches in width shall be operated or moved upon or over any highway the weight of which or the gross weight of which exceeds 500 pounds upon any inch in width of tire roller, wheel or other object, and no vehicle equipped with tires of six inches or more in width, the weight or gross weight of which exceeds 600 pounds upon any inch in width of the tire, shall be so operated without first obtaining a permit as provided by section 53.



How width  
ascertained

- (2) For the purpose of this section, the width of solid rubber or pneumatic tires shall be as stamped thereon by the manufacturer.

Restriction  
on weight of  
axles

162. Subject to the provisions of section 53,

prescribed  
by the  
regulations  
on Class A  
Highway

- (a) no vehicle or combination of vehicles shall be operated on a Class A Highway where any axle unit weight or axle group weight exceeds that prescribed in the regulations for such vehicle or combination of vehicles or as permitted by temporary authority issued pursuant to clause *b*;

temporary  
authority

- (b) where the regulations do not prescribe the axle unit weights and axle group weights in respect of a particular vehicle or combination of vehicles, the owner may apply to the Department for a temporary authority permitting the operation of the vehicle or combination of vehicles on a highway in accordance with section 163;

prescribed  
by  
temporary  
authority

- (c) no vehicle or combination of vehicles shall be operated on a highway where the axle spacing of such vehicle or combination of vehicles are not prescribed in the regulations or the owner is not the holder of the temporary authority issued pursuant to clause *b*; and

production  
of  
temporary  
authority

- (d) the temporary authority issued pursuant to clause *b* or a true copy thereof, shall whenever the vehicle or combination of vehicles is on a highway be carried by the driver thereof or placed in some readily accessible position and shall be produced when demanded by a constable or an officer appointed for carrying out the provisions of this Act or *The Public Commercial Vehicles Act*.

R.S.O. 1960,  
c. 319

Maximum  
allowable  
axle unit  
weights

163—(1) The maximum allowable axle unit weight shall be,

- (a) for a single axle, 20,000 pounds;
- (b) for a dual axle, that weight shown in Column 2 opposite the corresponding axle spacing shown in Column 1 of Table 1;
- (c) for a triple axle, that weight shown in Column 2 opposite the corresponding axle spacing shown in Column 1 of Table 2.

- (2) The axle unit weights and axle group weights used in respect of a temporary authority issued under clause *b* of section 162 shall be based on the lesser of the maximum axle unit weight referred to in sub-section 1 and that derived from the application of the following formula: Application of formula

$$W_m = 20 + 2.07 B_m - 0.0071 B_m^2.$$

where:  $B_m = Kb$

$W_m$  is the axle group weight limit

$B_m$  is the equivalent base length of the axle group

$b$  is the base length, being the distance between the extreme axle of an axle group

$K$  is a parameter as defined by the equation

$$K = \frac{4 \sum_{i=1}^N P_i |x_i|}{b \sum_{i=1}^N P_i} - 2 \frac{(N-1)}{N} \times \left( \frac{\sum_{i=1}^N P_i x_i}{b \sum_{i=1}^N P_i} \right)^2$$

where:

$N$  is the number of axles in an axle group (count 2 for dual-axle and 3 for a triple axle)

$P_i$  is the weight of any individual axle

$P_m$  is the weight of the axle closest to the centre of gravity of the axle group load

$x_i$  is the distance of an axle load  $P_i$  from the axle load  $P_m$ . This distance is to be taken as positive when measured right of  $P_m$ , and negative when measured left of  $P_m$ .

$|x_i|$  is the absolute value of the distance  $x_i$ .

- 164.—(1) During freeze-up the maximum weight for a vehicle or combination of vehicles while carrying raw forest products only shall be one hundred and ten per cent of that weight for which the vehicle or combination of vehicles is registered provided no axle unit weight exceeds by more than ten per cent that weight prescribed in the regulations or temporary authority issued pursuant to clause *b* of section 162 for such vehicle or combination of vehicles. Raw forest products allowance during freeze-up



Definition	(2) For the purpose of this section, "freeze-up" shall be such period of time as designated by the Minister.
Restriction	(3) No vehicle or combination of vehicles shall be operated on a highway in excess of the weight limits authorized in subsection 1.
Restriction as to Class B Highway	165. Unless a special permit has been issued pursuant to section 53, no vehicle or combination of vehicles shall be operated on a Class B Highway where the weight upon one axle exceeds 18,000 pounds and if the axles are spaced less than eight feet apart, the weight on one axle shall not exceed 12,000 pounds.
Prohibition as to carrying load in excess of permit	166.—(1) No vehicle or combination of vehicles having a permit issued under this Act, the fee for which is based upon the weight of the vehicle or combination of vehicles and load, shall at any time when on a highway carry a load in excess of that for which the permit was issued as stated upon the permit and for which the fee therefor was estimated.
Production of permit	(2) The permit issued for a commercial motor vehicle and for every trailer drawn by it, or a true copy thereof, shall, whenever such vehicle is on a highway, be carried by the driver thereof or placed in some readily accessible position in the vehicle and shall be produced when demanded by a constable or an officer appointed for carrying out the provisions of this Act or <i>The Public Commercial Vehicles Act</i> .
R.S.O. 1960, c. 319	
Exception	(3) Subsection 2 does not apply when a permit has been surrendered for transfer of registration or when such surrender is required by law.
Weight of load during March or April	(4) During the months of March and April, commercial motor vehicles and trailers, other than public vehicles operated over or upon any portion of the King's Highway to which the provisions of this subsection are declared to be applicable by the Lieutenant Governor in Council, or upon any other highway not within a city or separated town, shall not be loaded so that any axle transmits to the road a weight in excess of 10,000 pounds without obtaining a permit as provided by section 53.
Idem	(5) During the months of March and April, a vehicle other than a motor vehicle, or trailer, operated over or upon any portion of the King's Highway to which the provisions of this subsection are declared to be

applicable by the Lieutenant Governor in Council or upon any other highway not within a city or separated town and having a carrying capacity exceeding one ton shall not be loaded in excess of 250 pounds upon any inch in width of tire without obtaining a permit as provided by section 53.

- (6) Every person who contravenes any of the provisions of subsection 1, 4 or 5 is guilty of an offence and on summary conviction is liable to a fine as if he had been convicted under subsection 1 of section 169 and in addition, if the conviction is for a contravention under subsection 1, the Registrar may suspend the registration permit of the vehicle or vehicles involved and such suspension shall continue until the vehicle has been reregistered at the maximum gross weight allowable and the additional registration fee has been paid. Penalty
- (7) The council of a city or separated town may, by by-law declare the provisions of subsections 4, 5 and 6 to be in force in respect of highways within the city or separated town. Application to city or separated town
- (8) The municipal corporation or other authority having jurisdiction over any highway may declare the provisions of subsections 4, 5 and 6 to extend and apply to highways under its jurisdiction during any period of the year or that the provisions of subsections 4 and 5 do not apply to any or all highways under its jurisdiction; but a by-law of a municipality passed under this subsection does not take effect until it has received the approval of the Minister. Extension of period by municipality
- (9) In the case of King's Highways and highways in territory without municipal organization, the Lieutenant Governor in Council may declare the provisions of subsections 4, 5 and 6 to extend and apply during any period of the year. Extension of period on King's Highway, etc.
- 167.—(1) Any constable or any officer appointed for carrying out the provisions of this Act, having reasons to believe that the weight of a vehicle and load is in excess of that permitted by this Act or in excess of that authorized under the permit issued for the vehicle, may weigh the same either by means of portable or stationary scales and may require that such vehicle be driven to the nearest scale if they are within a distance of 10 miles, and where it is found that the vehicle is carrying an excessive Power of officer to have load weighed

load, the constable or officer may require the driver to forthwith remove so much of the load as is necessary to bring it within the weight so permitted or authorized.

Measure of  
axle spacing

- (2) To determine whether the weight of the vehicle and load is in excess of that permitted by this Act or in excess of that authorized under the permit issued for the vehicle, the constable or officer appointed for carrying out the provisions of this Act may conduct such examination as is necessary to ascertain the distance between the axles of the vehicle or combination of vehicles.

Penalty

- (3) Every driver who, when so required to proceed to a weighing machine, refuses or fails to do so is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$100.

Production  
of inventory

- (4) When a weighing machine capable of weighing a vehicle is distant more than 10 miles from the vehicle, the driver of the vehicle, in lieu of proceeding to a weighing machine, shall produce forthwith an inventory showing the true weight of the vehicle and the goods or load thereon, verified in writing by the owner of the vehicle or by a person authorized in writing by the owner to make such verification.

Penalty

- (5) Every person who contravenes any of the provisions of subsection 4 is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$100.

Regulations

168. The Lieutenant Governor in Council may make regulations,

- (a) prescribing by charts and tables the weights in accordance with the provisions of section 163 that may be transmitted to the highway by an axle unit, axle group, vehicle or combination of vehicles;
- (b) prescribing tolerances with respect to axle unit weights;
- (c) prescribing markings to be placed on vehicles respecting vehicle registration and weights.

Penalty

169.—(1) Every person who contravenes any of the provisions of subsection 1 of section 161, clause *a* of

section 162, subsection 3 of section 164 or section 165 is guilty of an offence and on summary conviction is liable to a fine of,

- (a) 50 cents per hundredweight or part thereof of the weight permitted by this Part and the regulations thereunder where the overweight is less than 5,000 pounds;
- (b) \$1 per hundredweight or part thereof of the weight permitted by this Part and the regulations thereunder where the overweight is 5,000 pounds or more but is less than 10,000 pounds;
- (c) \$2 per hundredweight or part thereof of the weight permitted by this Part and the regulations thereunder where the overweight is 10,000 pounds or more but is less than 15,000 pounds;
- (d) \$3 per hundredweight or part thereof of the weight permitted by this Part and the regulations thereunder where the overweight is 15,000 pounds or more but is less than 20,000 pounds;
- (e) \$4 per hundredweight or part thereof of the weight permitted by this Part and the regulations thereunder where the overweight is 20,000 pounds or more but is less than 30,000 pounds; and
- (f) \$5 per hundredweight or part thereof of the weight permitted by this Part and the regulations thereunder where the overweight is 30,000 pounds or more.

(2) Every person who contravenes clause *c* of section 162 <sup>Idem</sup> is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$500.

(3) Every person who contravenes clause *d* of section <sup>Idem</sup> 162 is guilty of an offence and on summary conviction is liable to a fine of not less than \$20 and not more than \$50.

170.—(1) Subject to subsection 2, on and after the 1st <sup>Application of Part VI</sup> day of March, 1971, a vehicle or combination of <sup>or XVI</sup> vehicles may be operated on a highway only <sup>after</sup> in <sup>March 1st,</sup> 1971



accordance with and subject to the provisions of this Part and section 53 or Part VI.

Part VI  
not to apply  
after  
March 31st,  
1976

- (2) A vehicle or combination of vehicles may be operated in accordance with and subject to the provisions of Part VI only until and including the 31st day of March, 1976.

TABLE 1

MAXIMUM ALLOWABLE WEIGHT FOR DUAL AXLE

COLUMN ONE	COLUMN TWO
Axle Spacing in Inches	Maximum Allowable Weight in Pounds
less than 48	32,000
48	35,000
51	35,500
54	36,000
57	36,500
60	37,500
63	38,000
66	38,500
69	39,000
72	40,000

TABLE 2

MAXIMUM ALLOWABLE WEIGHT FOR TRIPLE-AXLE

COLUMN ONE	COLUMN TWO
Axle Spacing in Inches	Maximum Allowable Weight in Pounds
less than 96	40,000
96	44,000
108	44,000
111	44,500
114	45,000
117	45,500
120	46,000
123	46,500
126	47,500
129	48,000

TABLE 2—*Continued*

COLUMN ONE	COLUMN TWO
Axle Spacing in Inches	Maximum Allowable Weight in Pounds
132	49,000
135	49,500
138	50,000
141	50,500
144	51,000
147	51,500
150	52,500
153	53,000
156	54,000
159	54,500
162	55,000
165	55,500
168	56,000
171	56,500
174	57,000
177	57,500
180	58,500
183	59,000
186	59,500
189	59,500
192	60,000

**10.**—(1) This Act, except sections 1, 2, 4, 7, 8 and 9, <sup>Commence-</sup>comes into force on the day it receives Royal Assent

(2) Sections 1, 7 and 8 come into force on the 1st day of <sup>Idem</sup>December, 1970.

(3) Subsection 1 of section 4 and section 9 come into force <sup>Idem</sup>on the 1st day of March, 1971.

(4) Subsection 2 of section 4 comes into force on the <sup>Idem</sup>1st day of April, 1971.

(5) Section 2 comes into force on a day to be named by <sup>Idem</sup>the Lieutenant Governor by his proclamation.

**11.** This Act may be cited as *The Highway Traffic Amend-* <sup>Short title</sup>  
*ment Act, 1970.*



An Act to amend  
The Highway Traffic Act

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*1st Reading*

June 19th, 1970

*2nd Reading*

June 25th, 1970

*3rd Reading*

June 25th, 1970

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MR. HASKETT

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## BILL 165

6

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3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

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**An Act to amend  
The Ontario Municipal Improvement Corporation Act**

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MR. MACNAUGHTON

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TORONTO

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#### EXPLANATORY NOTES

SECTION 1. The up-to-date definition of "Treasurer" is added for convenience of reference.

SECTIONS 2 and 3. The major amendments contained in these sections broaden the objects of the Corporation to permit it to purchase the debentures of any municipality having a population under 20,000 for any municipal purpose as well as those of any municipality having a population over 20,000 for any of the specified types of municipal works and undertakings.

These amendments also provide that the rate of interest at which debentures may be purchased shall be determined by the Lieutenant Governor in Council by regulation.

BILL 165

1970

**An Act to amend  
The Ontario Municipal  
Improvement Corporation Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

**1.** Section 1 of *The Ontario Municipal Improvement Corporation Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 275, s. 1,  
re-enacted

1. In this Act,

Interpre-  
tation

- (a) "municipality" means a county, city, town, village, township or improvement district, and "municipal" has a corresponding meaning;
- (b) "Treasurer" means the Treasurer of Ontario and Minister of Economics.

**2.—(1)** Subsection 1 of section 2 of *The Ontario Municipal Improvement Corporation Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 275, s. 2,  
subs. 1,  
re-enacted

- (1) The Ontario Municipal Improvement Corporation, hereinafter called the Corporation, constituted on behalf of Her Majesty in right of Ontario as a body corporate and politic, without share capital, is continued. Corporation  
continued

(2) Subsection 2 of the said section 2 is amended by striking out "The Ontario Municipal Improvement Corporation, hereinafter called the corporation" in the first and second lines and inserting in lieu thereof "The Corporation", so that the subsection shall read as follows: R.S.O. 1960,  
c. 275, s. 2,  
subs. 2,  
amended

- (2) The Corporation shall be composed of not less than three and not more than five members appointed by the Lieutenant Governor in Council. Membership

R.S.O. 1960,  
c. 275,  
amended

**3.** *The Ontario Municipal Improvement Corporation Act* is amended by adding thereto the following section:

Objects

2a.—(1) The objects of the Corporation are,

- (a) to purchase from any municipality in Ontario having a population less than 20,000 debentures issued by it for any municipal purpose; and
- (b) to purchase from any municipality in Ontario having a population of 20,000 or more debentures issued by it for any of the following municipal works and undertakings:

1. Water works and water supply distribution systems.

2. Sewage works, treatment works, sewer systems or sewers, as defined in section 380 of *The Municipal Act*.

3. Plants and works for the incineration of garbage, refuse and waste.

4. Drainage works under *The Drainage Act, 1962-63*.

R.S.O. 1960,  
c. 249

1962-63,  
c. 39

Determina-  
tion of  
population

- (2) The Corporation shall determine the population of a municipality for the purpose of subsection 1 as of the business day next preceding the day on which the Lieutenant Governor in Council approves the purchase of debentures pursuant to subsection 1 of section 8, and such determination is final.

R.S.O. 1960,  
c. 275, s. 3,  
subs. 2, cl. a,  
amended

**4.** Clause *a* of subsection 2 of section 3 of *The Ontario Municipal Improvement Corporation Act* is amended by striking out "2" in the second line and inserting in lieu thereof "2a", so that the clause shall read as follows:

- (a) the carrying out of the object of the Corporation mentioned in section 2a.

R.S.O. 1960,  
c. 275, s. 8,  
subs. 1,  
amended

**5.**—(1) Subsection 1 of section 8 of *The Ontario Municipal Improvement Corporation Act* is amended by striking out "specified in subsection 1 of section 2" in the fifth line and inserting in lieu thereof "mentioned in section 2a", so that the subsection shall read as follows:

SECTIONS 4 and 5. Complementary to sections 1 and 2 of this Bill.



SECTION 6. Complementary to section 1 of this Bill.

- (1) The Corporation, with the approval of the Lieutenant Governor in Council and subject to the regulations, may from time to time purchase from any municipality in Ontario debentures issued by the municipality for any of the purposes mentioned in section 2a. Purchase of  
municipal  
debentures

(2) The said section 8 is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 275, s. 8,  
amended

- (3) The effective rate of interest at which the Corporation may purchase debentures shall be determined from time to time by the Lieutenant Governor in Council. Interest

**6.** *The Ontario Municipal Improvement Corporation Act* R.S.O. 1960,  
c. 275,  
amended is amended by striking out "of Ontario" in,

- (a) the fourth line of subsection 6 of section 2;
- (b) the fourth line of clause *c* of subsection 2 of section 3;
- (c) the second line of subsection 1 of section 6;
- (d) the second line of section 10;
- (e) the fifth line of section 11;
- (f) the second line of subsection 1 of section 12;
- (g) the seventh line of subsection 1 of section 13;
- (h) the first line of section 15.

**7.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**8.** This Act may be cited as *The Ontario Municipal Improvement Corporation Amendment Act, 1970*. Short title

An Act to amend  
The Ontario Municipal  
Improvement Corporation Act

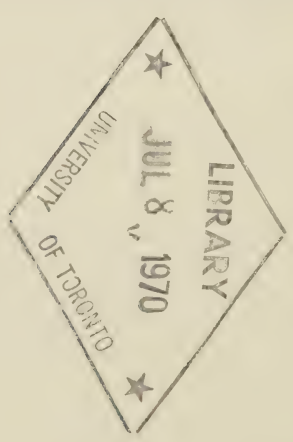
*1st Reading*

June 19th, 1970

*2nd Reading*

*3rd Reading*

MR. MACNAUGHTON



## BILL 165

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3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

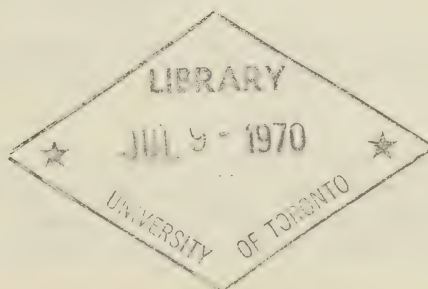
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An Act to amend  
The Ontario Municipal Improvement Corporation Act

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MR. MACNAUGHTON

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BILL 165

1970

**An Act to amend  
The Ontario Municipal  
Improvement Corporation Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

**1.** Section 1 of *The Ontario Municipal Improvement Corporation Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 275, s. 1,  
re-enacted

1. In this Act,

Interpre-  
tation

- (a) "municipality" means a county, city, town, village, township or improvement district, and "municipal" has a corresponding meaning;
- (b) "Treasurer" means the Treasurer of Ontario and Minister of Economics.

**2.—(1)** Subsection 1 of section 2 of *The Ontario Municipal Improvement Corporation Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 275, s. 2,  
subs. 1,  
re-enacted

- (1) The Ontario Municipal Improvement Corporation, hereinafter called the Corporation, constituted on behalf of Her Majesty in right of Ontario as a body corporate and politic, without share capital, is continued. Corporation  
continued

(2) Subsection 2 of the said section 2 is amended by striking out "The Ontario Municipal Improvement Corporation, hereinafter called the corporation" in the first and second lines and inserting in lieu thereof "The Corporation", so that the subsection shall read as follows: R.S.O. 1960,  
c. 275, s. 2,  
subs. 2,  
amended

- (2) The Corporation shall be composed of not less than three and not more than five members appointed by the Lieutenant Governor in Council. Membership



R.S.O. 1960,  
c. 275  
amended

**3.** *The Ontario Municipal Improvement Corporation Act* is amended by adding thereto the following section:

Objects

2a.—(1) The objects of the Corporation are,

- (a) to purchase from any municipality in Ontario having a population less than 20,000 debentures issued by it for any municipal purpose; and
- (b) to purchase from any municipality in Ontario having a population of 20,000 or more debentures issued by it for any of the following municipal works and undertakings:

1. Water works and water supply distribution systems.

2. Sewage works, treatment works, sewer systems or sewers, as defined in section 380 of *The Municipal Act*.

3. Plants and works for the incineration of garbage, refuse and waste.

4. Drainage works under *The Drainage Act, 1962-63*.

R.S.O. 1960,  
c. 249

1962-63,  
c. 39

Determina-  
tion of  
population

- (2) The Corporation shall determine the population of a municipality for the purpose of subsection 1 as of the business day next preceding the day on which the Lieutenant Governor in Council approves the purchase of debentures pursuant to subsection 1 of section 8, and such determination is final.

R.S.O. 1960,  
c. 275, s. 3,  
subs. 2, cl. a,  
amended

**4.** Clause *a* of subsection 2 of section 3 of *The Ontario Municipal Improvement Corporation Act* is amended by striking out "2" in the second line and inserting in lieu thereof "2a", so that the clause shall read as follows:

- (a) the carrying out of the object of the Corporation mentioned in section 2a.

R.S.O. 1960,  
c. 275, s. 8,  
subs. 1,  
amended

**5.**—(1) Subsection 1 of section 8 of *The Ontario Municipal Improvement Corporation Act* is amended by striking out "specified in subsection 1 of section 2" in the fifth line and inserting in lieu thereof "mentioned in section 2a", so that the subsection shall read as follows:

- (1) The Corporation, with the approval of the Lieutenant Governor in Council and subject to the regulations, may from time to time purchase from any municipality in Ontario debentures issued by the municipality for any of the purposes mentioned in section 2a. <sup>Purchase of municipal debentures</sup>

(2) The said section 8 is amended by adding thereto the following subsection: <sup>R.S.O. 1960, c. 275, s. 8, amended</sup>

- (3) The effective rate of interest at which the Corporation may purchase debentures shall be determined from time to time by the Lieutenant Governor in Council. <sup>Interest</sup>

**6.** *The Ontario Municipal Improvement Corporation Act* is amended by striking out "of Ontario" in, <sup>R.S.O. 1960, c. 275, s. 8, amended</sup>

- (a) the fourth line of subsection 6 of section 2;
- (b) the fourth line of clause *c* of subsection 2 of section 3;
- (c) the second line of subsection 1 of section 6;
- (d) the second line of section 10;
- (e) the fifth line of section 11;
- (f) the second line of subsection 1 of section 12;
- (g) the seventh line of subsection 1 of section 13;
- (h) the first line of section 15.

**7.** This Act comes into force on the day it receives Royal Assent. <sup>Commence-ment</sup>

**8.** This Act may be cited as *The Ontario Municipal Improvement Corporation Amendment Act, 1970*. <sup>Short title</sup>





An Act to amend  
The Ontario Municipal  
Improvement Corporation Act

*1st Reading*

June 19th, 1970

*2nd Reading*

June 25th, 1970

*3rd Reading*

June 25th, 1970

MR. MACNAUGHTON

**BILL 166**

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3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

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**An Act respecting the City of Kingston**

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**MR. McKEOUGH**

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**TORONTO**

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER



#### EXPLANATORY NOTE

The Bill permits the City of Kingston to pass by-laws for the preservation of buildings or structures considered to be of historic or architectural value or interest.

BILL 166

1970

## An Act respecting the City of Kingston

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act, "Corporation" means The Corporation of the City of Kingston.

Interpre-  
tation

**2.** The council of the Corporation may, with the prior approval of the Ontario Municipal Board, pass by-laws designating buildings or structures as buildings or structures of historic or architectural value or interest.

By-laws

**3.** A by-law passed under section 2 may,

Provisions  
that may  
be contained  
in by-law

- (a) prohibit the demolition or destruction of buildings or structures designated thereunder or prohibit or regulate the alteration, renovation or use thereof;
- (b) provide for the acquisition by purchase, lease or otherwise of any such building or structure; or
- (c) provide for the making of grants to the owner of any such building or structure for the renovation, restoration or maintenance thereof.

**4.** Where a by-law prohibits the demolition, destruction, alteration, renovation or use of a building or structure, or regulates the alteration or renovation of a building or structure, unless the corporation has, within ninety days of the passing thereof,

By-law to be  
repealed if  
no agreement  
re purchase,  
etc., of  
building or  
structure

- (a) entered into an agreement for the purchase of the building or structure;
  - (b) entered into an agreement for the payment of compensation to the owner of the building or structure; or
  - (c) expropriated the building or structure,
- the Corporation shall forthwith repeal the by-law.

Registration  
of by-law

**5.**—(1) A by-law passed under section 2 shall, within five days after the passing thereof, be registered by the clerk of the Corporation against the land affected in the proper registry or land titles office, and where any by-law is not so registered it shall be deemed to be repealed.

Idem

(2) A by-law repealing a by-law passed under section 2 shall, within five days after the passing thereof, be registered by the clerk of the Corporation against the land affected in the proper registry or land titles office.

Liability of  
Corporation

**6.** Where a by-law passed under section 2, other than a by-law regulating the use of buildings or structures, is repealed, the Corporation is liable to the owner of any land affected by the by-law for any consequential damages.

Commence-  
ment

**7.** This Act comes into force on the day it receives Royal Assent.

Short title

**8.** This Act may be cited as *The City of Kingston Act, 1970*.









An Act respecting the City of Kingston

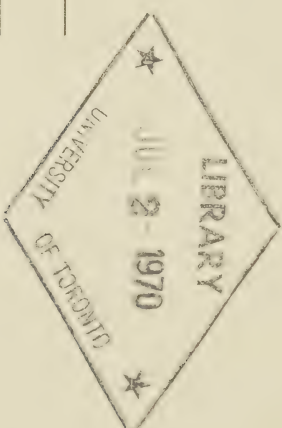
*1st Reading*

June 19th, 1970

*2nd Reading*

*3rd Reading*

MR. McKEOUGH



## BILL 166

3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

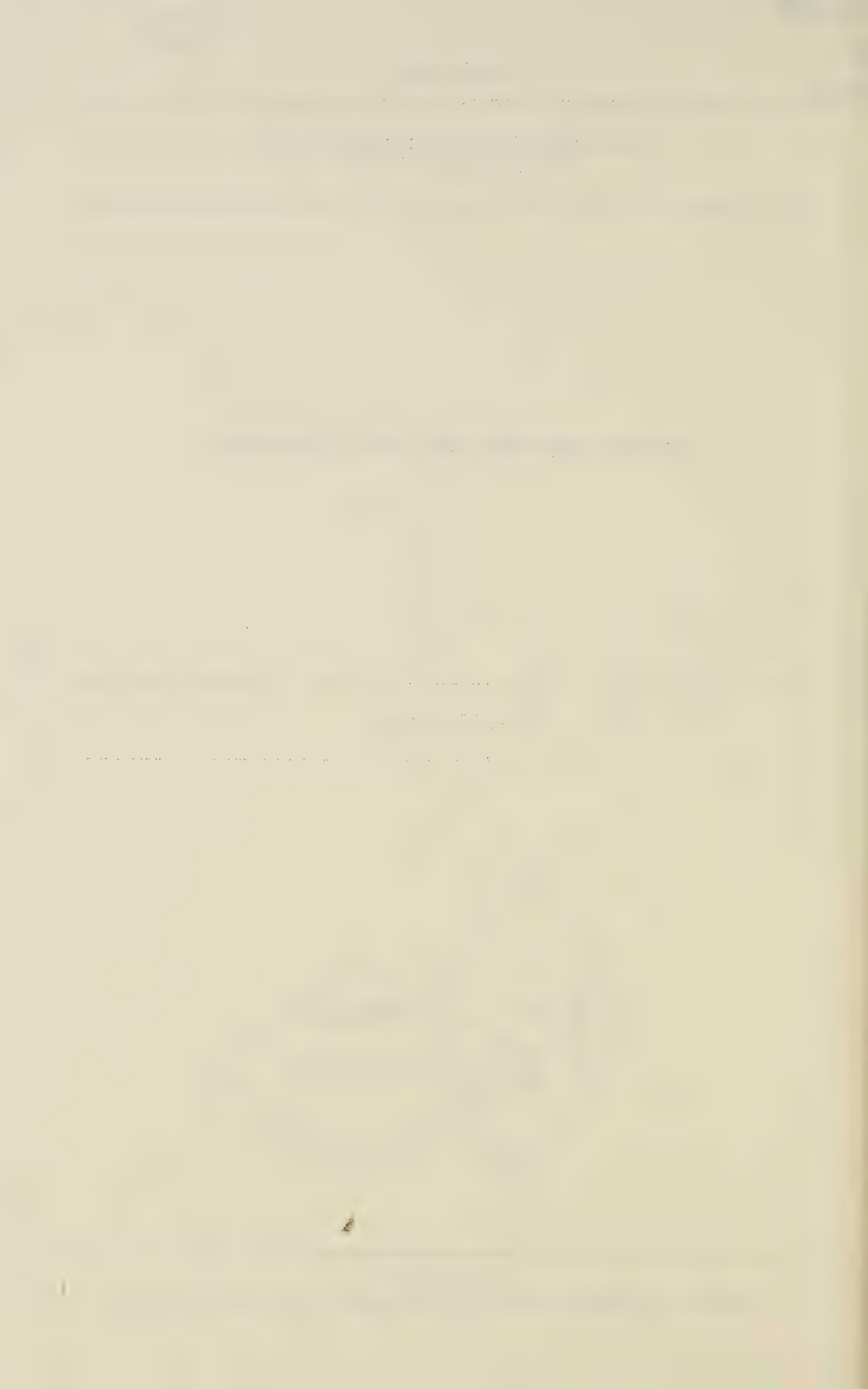
An Act respecting the City of Kingston

MR. McKEOUGH



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER



BILL 166

1970

## An Act respecting the City of Kingston

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, "Corporation" means The Corporation of the City of Kingston.

Interpre-  
tation

2. The council of the Corporation may, with the prior approval of the Ontario Municipal Board, pass by-laws designating buildings or structures as buildings or structures of historic or architectural value or interest.

By-laws

3. A by-law passed under section 2 may,

Provisions  
that may  
be contained  
in by-law

- (a) prohibit the demolition or destruction of buildings or structures designated thereunder or prohibit or regulate the alteration, renovation or use thereof;
- (b) provide for the acquisition by purchase, lease or otherwise of any such building or structure; or
- (c) provide for the making of grants to the owner of any such building or structure for the renovation, restoration or maintenance thereof.

4. Where a by-law prohibits the demolition, destruction, alteration, renovation or use of a building or structure, or regulates the alteration or renovation of a building or structure, unless the corporation has, within ninety days of the passing thereof,

By-law to be  
repealed if  
no agreement  
re purchase,  
etc., of  
building or  
structure

- (a) entered into an agreement for the purchase of the building or structure;
- (b) entered into an agreement for the payment of compensation to the owner of the building or structure; or
- (c) expropriated the building or structure,

the Corporation shall forthwith repeal the by-law.

Registration  
of by-law

**5.**—(1) A by-law passed under section 2 shall, within five days after the passing thereof, be registered by the clerk of the Corporation against the land affected in the proper registry or land titles office, and where any by-law is not so registered it shall be deemed to be repealed.

Idem

(2) A by-law repealing a by-law passed under section 2 shall, within five days after the passing thereof, be registered by the clerk of the Corporation against the land affected in the proper registry or land titles office.

Liability of  
Corporation

**6.** Where a by-law passed under section 2, other than a by-law regulating the use of buildings or structures, is repealed, the Corporation is liable to the owner of any land affected by the by-law for any consequential damages.

Commence-  
ment

**7.** This Act comes into force on the day it receives Royal Assent.

Short title

**8.** This Act may be cited as *The City of Kingston Act, 1970*.









An Act respecting the City of Kingston

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*1st Reading*

June 19th, 1970

*2nd Reading*

June 25th, 1970

*3rd Reading*

June 25th, 1970

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MR. McKEOUGH

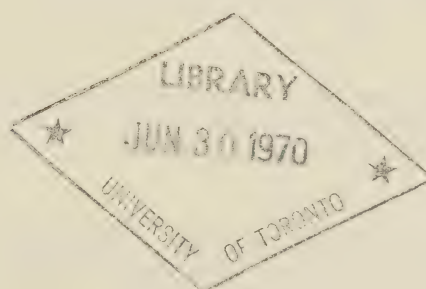
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## BILL 167

3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

**An Act to amend The Labour Relations Act**

MR. BALES



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### EXPLANATORY NOTES

SECTION 1. The purpose of the amendment is to provide a statement endorsing the principle of collective bargaining.

SECTION 2—Subsections 1 and 2. Complementary to section 41 of the Bill.

Subsection 3. Complementary to section 29 of the Bill.

BILL 167

1970

## An Act to amend The Labour Relations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Labour Relations Act* is amended by adding thereto the following preamble: R.S.O. 1960,  
c. 202,  
amended

WHEREAS it is in the public interest of the Province of Ontario to further harmonious relations between employers and employees by encouraging the practice and procedure of collective bargaining between employers and trade unions as the freely designated representatives of employees.

2.—(1) Subsection 1 of section 1 of *The Labour Relations Act* is amended by relettering clause *a* as clause *aa* and by adding thereto the following clause: R.S.O. 1960,  
c. 202,  
s. 1, subs. 1,  
amended

(a) “accredited employers’ organization” means an organization of employers that is accredited under this Act as the bargaining agent for a unit of employers.

(2) Clause *f* of subsection 1 of the said section 1 is amended by adding at the end thereof “and includes an accredited employers’ organization”, so that the clause shall read as follows: R.S.O. 1960,  
c. 202,  
s. 1, subs. 1,  
cl. *f*,  
amended

(f) “employers’ organization” means an organization of employers formed for purposes that include the regulation of relations between employers and employees and includes an accredited employers’ organization.

(3) Subsection 3 of the said section 1, as amended by subsection 2 of section 1 of *The Labour Relations Amendment Act, 1961-62*, is further amended by inserting at the commencement thereof “Subject to section 65a”, so that the subsection, exclusive of the clauses, shall read as follows: R.S.O. 1960,  
c. 202,  
s. 1, subs. 3,  
amended



Idem

- (3) Subject to section 65a, for the purposes of this Act no person shall be deemed to be an employee,

R.S.O. 1960,  
c. 202, s. 1,  
amended

- (4) The said section 1 is amended by adding thereto the following subsection:

Idem

- (4) Where, in the opinion of the Board, associated or related activities or businesses are carried on by or through more than one corporation, individual, firm, syndicate or association, or any combination thereof, under common control or direction, the Board may treat the corporations, individuals, firms, syndicates or associations or any combination thereof as constituting one employer for the purposes of this Act.

R.S.O. 1960,  
c. 202, s. 5,  
amended

- 3.** Section 5 of *The Labour Relations Act*, as amended by section 2 of *The Labour Relations Amendment Act, 1966*, is further amended by adding thereto the following subsection:

Idem

- (1b) Where an employer and a trade union agree that the employer recognizes the trade union as the exclusive bargaining agent of the employees in a defined bargaining unit and the agreement is in writing signed by the parties and the parties have not entered into a collective agreement and the Board has not made a declaration under section 45a, another trade union may, subject to section 46, apply to the Board for certification as bargaining agent of any of the employees in the bargaining unit defined in the recognition agreement only after the expiration of one year from the date that the recognition agreement was entered into.

R.S.O. 1960,  
c. 202, s. 6,  
subs. 2,  
amended

- 4.** Subsection 2 of section 6 of *The Labour Relations Act* is amended by adding at the end thereof "or where the group of employees is exercising a combination of technical skills or is required to perform the skills in whole or in part of more than one craft as part of a work crew or team, the other members of which are also required to perform in similar fashion", so that the subsection shall read as follows:

Craft units

- (2) Any group of employees who exercise technical skills or who are members of a craft by reason of which they are distinguishable from the other employees and commonly bargain separately and apart from other employees through a trade union that according to established trade union practice pertains to such skills or craft shall be deemed by the Board to be a

Subsection 4. Self-explanatory.

SECTION 3. The amendment makes provision for limited protection of voluntary recognition from certification proceedings.

SECTION 4. The Board is given the discretion to exempt mixed crews from normal craft bargaining units.

SECTIONS 5 and 6. The membership percentage for outright certification is changed from 55 per cent to 65 per cent and the requirement for a vote is lowered from 45 per cent to 35 per cent.

unit appropriate for collective bargaining if the application is made by a trade union pertaining to such skills or craft, and the Board may include in such unit persons who according to established trade union practice are commonly associated in their work and bargaining with such group, but the Board shall not be required to apply this subsection where the group of employees is included in a bargaining unit represented by another bargaining agent at the time the application is made, or where the group of employees is exercising a combination of technical skills or is required to perform the skills in whole or in part of more than one craft as part of a work crew or team, the other members of which are also required to perform in similar fashion.

**5.**—(1) Subsection 2 of section 7 of *The Labour Relations Act* is amended by striking out “45” in the first line and inserting in lieu thereof “35”, and by striking out “55” in the second line and in the fourth line and inserting in lieu thereof in each instance “65”, so that the subsection shall read as follows: R.S.O. 1960,  
c. 202, s. 7,  
subs. 2,  
amended

(2) If the Board is satisfied that not less than 35 per cent and not more than 65 per cent of the employees in the bargaining unit are members of the trade union, the Board shall, and if the Board is satisfied that more than 65 per cent of such employees are members of the trade union, the Board may, direct that a representation vote be taken. Representa-  
tion vote

(2) Subsection 3 of the said section 7 is amended by striking out “55” in the fourth line and inserting in lieu thereof “65”, so that the subsection shall read as follows: R.S.O. 1960,  
c. 202, s. 7,  
subs. 3,  
amended

(3) If on the taking of a representation vote more than 50 per cent of the ballots of all those eligible to vote are cast in favour of the trade union, and in other cases, if the Board is satisfied that more than 65 per cent of the employees in the bargaining unit are members of the trade union, the Board shall certify the trade union as the bargaining agent of the employees in the bargaining unit. Certification  
after vote

(3) This section does not apply in respect of applications for certification made before this section comes into force. Application  
of section

**6.**—(1) Subsection 2 of section 8 of *The Labour Relations Act* is amended by striking out “45” in the fourth line and R.S.O. 1960,  
c. 202, s. 8,  
subs. 2,  
amended

inserting in lieu thereof "35", so that the subsection shall read as follows:

Voting  
constituency

- (2) Upon such a request being made, the Board may determine a voting constituency and, if it appears to the Board on an examination of the records of the trade union and the records of the employer that not less than 35 per cent of the employees in the voting constituency were members of the trade union at the time the application was made, the Board may direct that a representation vote be taken among the employees in the voting constituency.

R.S.O. 1960,  
c. 202, s. 8,  
subs. 4,  
amended

- (2) Subsection 4 of the said section 8 is amended by striking out "45" in the fourth line and inserting in lieu thereof "35", so that the subsection shall read as follows:

Effect of  
pre-hearing  
vote

- (4) After a representation vote has been taken under subsection 2, the Board shall determine the unit of employees that is appropriate for collective bargaining and, if it is satisfied that not less than 35 per cent of the employees in such bargaining unit were members of the trade union at the time the application was made, the representation vote taken under subsection 2 has the same effect as a representation vote taken under subsection 2 of section 7.

Application  
of section

- (3) This section does not apply in respect of applications for certification made before this section comes into force.

R.S.O. 1960,  
c. 202,  
amended

- 7.** *The Labour Relations Act* is amended by adding thereto the following section:

Right of  
access

- 8b. Where employees of an employer reside on the property of the employer, or on property to which the employer has the right to control access, the employer shall, upon a direction from the Board, allow the representative of a trade union access to the property on which the employees reside for the purpose of attempting to persuade the employees to join a trade union.

R.S.O. 1960,  
c. 202, s. 9,  
re-enacted

- 8.** Section 9 of *The Labour Relations Act* is repealed and the following substituted therefor:

Security  
guards

9. The Board shall not include in a bargaining unit with other employees a person employed as a guard to protect the property of an employer, and no trade union shall be certified as bargaining agent for a bargaining unit of such guards and no employer or employers' organization shall be required to bargain

SECTION 7. The amendment provides for access to employees' living area for organizational purposes where the living area is under the control of the employer.

SECTION 8. The amendment removes any doubt that the present section 9 includes security guards provided under contract.



SECTION 9. The Minister of Labour is empowered to appoint an industrial inquiry commission to investigate particular labour disputes or problems.

SECTION 10. Complementary to section 41 of this Bill.

SECTION 11. The no-strike no-lock-out provision is included in all collective agreements.

with a trade union on behalf of any person who is a guard if, in either case, the trade union admits to membership or is chartered by, or is affiliated, directly or indirectly, with an organization that admits to membership persons other than guards.

**9.** *The Labour Relations Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 202,  
amended

**31a**—(1) The Minister may establish an industrial inquiry commission to inquire into and report to the Minister on any industrial matter or dispute that the Minister considers advisable. Industrial  
inquiry  
commission

(2) The industrial inquiry commission shall consist of one or more members appointed by the Minister and the commission shall have all the powers of a conciliation board under section 28. Composition  
and powers

(3) The chairman and members of the commission shall be paid remuneration and expenses at the same rate as is payable to a chairman and members of a conciliation board under this Act. Remunera-  
tion and  
expenses

**10.**—(1) Section 32 of *The Labour Relations Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 202, s. 32,  
amended

(1a) Every collective agreement to which an accredited employers' association is a party shall provide that the accredited employers' organization is recognized as the exclusive bargaining agent of the employers for whom the employers' organization has been accredited. Recognition  
of  
accredited  
employers'  
association

(2) Subsection 2 of the said section 32 is amended by inserting after "1" in the second line "or 1a", so that the subsection shall read as follows: R.S.O. 1960,  
c. 202, s. 32,  
subs. 2,  
amended

(2) If a collective agreement does not contain such a provision as is mentioned in subsection 1 or 1a, it may be added to the agreement at any time by the Board upon the application of either party. Addition  
by Board

**11.** Subsection 2 of section 33 of *The Labour Relations Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 202, s. 33,  
subs. 2,  
re-enacted

(2) If a collective agreement does not contain such a provision as is mentioned in subsection 1, it shall be deemed to contain the following provision: Statutory  
provision

"There shall be no strikes or lock-outs so long as this agreement continues to operate."

R.S.O. 1960,  
c. 202, s. 34,  
subs. 2,  
amended

**12.**—(1) Subsection 2 of section 34 of *The Labour Relations Act* is amended by adding after “employee” in the twenty-third line “or employer”, so that the subsection shall read as follows:

Idem

- (2) If a collective agreement does not contain such a provision as is mentioned in subsection 1, it shall be deemed to contain the following provision:

Where a difference arises between the parties relating to the interpretation, application or administration of this agreement, including any question as to whether a matter is arbitrable, or where an allegation is made that this agreement has been violated, either of the parties may, after exhausting any grievance procedure established by this agreement, notify the other party in writing of its desire to submit the difference or allegation to arbitration and the notice shall contain the name of the first party's appointer to an arbitration board. The recipient of the notice shall within five days inform the other party of the name of its appointee to the arbitration board. The two appointees so selected shall, within five days of the appointment of the second of them, appoint a third person who shall be the chairman. If the recipient of the notice fails to appoint an arbitrator, or if the two appointees fail to agree upon a chairman within the time limited, the appointment shall be made by the Minister of Labour for Ontario upon the request of either party. The arbitration board shall hear and determine the difference or allegation and shall issue a decision and the decision is final and binding upon the parties and upon any employee or employer affected by it. The decision of a majority is the decision of the arbitration board, but if there is no majority the decision of the chairman governs.

R.S.O. 1960,  
c. 202, s. 34,  
amended

- (2) The said section 34 is amended by adding thereto the following subsection:

Substitution  
of penalty

- (7a) Where an arbitrator or arbitration board determines that an employee has been discharged or otherwise disciplined by an employer for cause and the collective agreement does not contain a specific penalty for the infraction that is the subject-matter of the arbitration, the arbitrator or arbitration board may substitute such other penalty for the discharge or discipline as to the arbitrator or arbitration board seems just and reasonable in all the circumstances.

Application  
of subs. 2

- (3) Subsection 2 applies to arbitrations commenced after subsection 2 comes into force and to arbitrations commenced before subsection 2 comes into force and in respect of which the arbitrator or arbitration board has heard no evidence, notwithstanding that the collective agreement under which the arbitration was commenced was entered into before subsection 2 comes into force.

SECTION 12—Subsection 1. Complementary to section 41 of this Bill.

Subsection 2. The amendment permits an arbitrator to exercise equity in reviewing a penalty imposed on an employee for cause under a collective agreement.

SECTION 13—Subsection 1. The amendment increases the protection given to individual employers from the operation of union security provisions and the primary onus for compliance is changed from the employer to the trade union.

Subsection 2. The purpose of the amendment is to bring the requirements for union security provisions in a first agreement into line with the corresponding changes in the requirement for outright certification.

**13.—**(1) Subsection 2 of section 35 of *The Labour Relations Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 202, s. 35,  
subs. 2,  
re-enacted

- (2) No trade union that is a party to a collective agreement containing a provision mentioned in clause *a* of subsection 1 shall require the employer to discharge an employee because, Where  
non-member  
employee  
cannot be  
required to  
be  
discharged

(a) he has been expelled or suspended from membership in the trade union; or

(b) membership in the trade union has been denied to or withheld from the employee,

for the reason that the employee,

(c) was or is a member of another trade union;

(d) has engaged in activity against the trade union or on behalf of another trade union;

(e) has engaged in reasonable dissent within the trade union;

(f) has been discriminated against by the trade union in the application of its membership rules; or

(g) has been required to pay initiation fees, dues or other assessments to the trade union which are unreasonable.

(2) Subsection 4 of the said section 35 is amended by striking out "55" in the sixth line and inserting in lieu thereof "65", so that the subsection, exclusive of the clauses, shall read as follows: R.S.O. 1960,  
c. 202, s. 35,  
subs. 4,  
amended

- (4) A trade union and the employer of the employees concerned shall not enter into a collective agreement that includes provisions requiring, as a condition of employment, membership in the trade union that is a party to or is bound by the agreement unless the trade union has established at the time it entered into the agreement that not less than 65 per cent of the employees in the bargaining unit were members of the trade union, but this subsection does not apply, Union  
security  
provision  
in first  
agreement



R.S.O. 1960,  
c. 202,  
amended

**14.** *The Labour Relations Act* is amended by adding thereto the following section:

Religious  
objections

35a—(1) Where the Board is satisfied that an employee because of his religious conviction or belief,

(a) objects to joining a trade union; or

(b) objects to the paying of dues or other assessments to a trade union,

the Board may order that the provisions of a collective agreement of the type mentioned in clause *a* of subsection 1 of section 35 do not apply to such employee and that the employee is not required to join the trade union, to be or continue to be a member of the trade union, or to pay any dues, fees or assessments to the trade union, provided that an amount equal to any initiation fees, dues, or other assessments are paid by the employee to or are remitted by the employer to a charitable organization mutually agreed upon by the employee and the trade union, but if the employee and the trade union fail to so agree to such charitable organization registered as a charitable organization in Canada under Part I of the *Income Tax Act* (Canada) as may be designated by the Board.

R.S.C. 1952,  
c. 148

Application  
of subs. 1

(2) Subsection 1 applies to persons in the employ of the employer at the time of the signing of the collective agreement mentioned therein and does not apply to any persons whose employment commences after the signing of such a collective agreement.

R.S.O. 1960,  
c. 202,  
amended

**15.** *The Labour Relations Act* is amended by adding thereto the following section:

More than  
one  
collective  
agreement  
prohibited

36a. There shall be only one collective agreement at a time between a trade union or council of trade unions and an employer or employers' organization with respect to the employees in the bargaining unit defined in the collective agreement.

R.S.O. 1960,  
c. 202, s. 38,  
subs. 1,  
amended

**16.**—(1) Subsection 1 of section 38 of *The Labour Relations Act*, as amended by section 3 of *The Labour Relations Amendment Act, 1961-62*, is further amended by inserting after "upon" in the third line "the employers' organization and" and by inserting after "unions" in the third instance in the amendment of 1961-62 "and upon the employees in the bargaining unit defined in the agreement", so that the subsection shall read as follows:

SECTION 14. The amendment allows employees who object to joining a trade union because of religious convictions exemption from union security provisions in a collective agreement.

SECTION 15. The provision ensures that there is only one collective agreement at a time for a group of employees.

SECTION 16. The provision ensures the binding effect of collective agreements in multiple bargaining situations.

SECTION 17. The amendment allows the parties to a collective agreement to open bargaining for a new agreement at an earlier date.

- (1) A collective agreement between an employers' organization and a trade union or council of trade unions is, subject to and for the purposes of this Act, binding upon the employers' organization and each person who was a member of the employers' organization at the time the agreement was entered into and on whose behalf the employers' organization bargained with the trade union or council of trade unions as if it was made between each of such persons and the trade union or council of trade unions and upon the employees in the bargaining unit defined in the agreement and, if any such person ceases to be a member of the employers' organization during the term of operation of the agreement, he shall, for the remainder of the term of operation of the agreement, be deemed to be a party to a like agreement with the trade union or council of trade unions.

Binding effect of collective agreements on employers' organizations

- (2) Subsection 3 of the said section 38, as amended by subsection 2 of section 12 of *The Labour Relations Amendment Act, 1966*, is further amended by inserting after "upon" in the third line "the council of trade unions and", and by inserting after "organization" in the eighth and ninth lines "and upon the employees in the bargaining unit defined in this agreement", so that the subsection shall read as follows:

R.S.O. 1960, c. 202, s. 38, subs. 3, amended

- (3) A collective agreement between a council of trade unions, other than a certified council of trade unions, and an employer or an employers' organization is, subject to and for the purposes of this Act, binding upon the council of trade unions and each trade union that was a member of or affiliated with the council of trade unions at the time the agreement was entered into and on whose behalf the council of trade unions bargained with the employer or employers' organization as if it was made between each of such trade unions and the employer or employers' organization, and upon the employees in the bargaining unit defined in the agreement, and, if any such trade union ceases to be a member of or affiliated with the council of trade unions during the term of operation of the agreement, it shall, for the remainder of the term of operation of the agreement, be deemed to be a party to a like agreement with the employer or employers' organization, as the case may be.

Binding effect of collective agreements on members or affiliates of councils of trade unions

- 17.** Subsection 1 of section 40 of *The Labour Relations Act* is amended by striking out "two months" in the second line and inserting in lieu thereof "ninety days", so that the subsection shall read as follows:

R.S.O. 1960, c. 202, s. 40, subs. 1, amended

Notice of  
desire to  
bargain  
for new  
collective  
agreement

- (1) Either party to a collective agreement may, within the period of ninety days before the agreement ceases to operate, give notice in writing to the other party of its desire to bargain with a view to the renewal, with or without modifications, of the agreement then in operation or to the making of a new agreement.

R.S.O. 1960,  
c. 202,  
s. 41a,  
(1966 c. 76,  
s. 14),  
subs. 3,  
repealed

**18.** Subsection 3 of section 41a of *The Labour Relations Act*, as enacted by section 14 of *The Labour Relations Amendment Act, 1966*, is repealed.

R.S.O. 1960,  
c. 202, s. 43,  
subs. 3,  
amended

**19.**—(1) Subsection 3 of section 43 of *The Labour Relations Act* is amended by striking out "50" in the fourth line and in the seventh line and inserting in lieu thereof in each instance "35", so that the subsection shall read as follows:

Representa-  
tion vote

- (3) Upon an application under subsection 1 or 2, the Board shall ascertain the number of employees in the bargaining unit at the time the application was made and whether not less than 35 per cent of the employees in the bargaining unit have voluntarily signified in writing at such time as is determined under clause j of subsection 2 of section 77 that they no longer wish to be represented by the trade union, and, if not less than 35 per cent have so signified, the Board shall, by a representation vote, satisfy itself that a majority of the employees desire that the right of the trade union to bargain on their behalf be terminated.

Application  
of subs. 1

(2) Subsection 1 does not apply in respect of applications for the termination of bargaining rights made before this section comes into force.

R.S.O. 1960,  
c. 202,  
s. 45a,  
(1964,  
c. 53, s. 5),  
subs. 1,  
amended

**20.**—(1) Subsection 1 of section 45a of *The Labour Relations Act*, as enacted by section 5 of *The Labour Relations Amendment Act, 1964*, is amended by inserting after "agreement" in the fourth line "or a recognition agreement as provided for in subsection 3 of section 13" and by inserting after "operation" in the ninth line "or, if no collective agreement has been entered into within one year from the signing of such recognition agreement", so that the subsection shall read as follows:

Termination  
of bargain-  
ing rights  
after  
voluntary  
recognition

**45a.**—(1) Where an employer and a trade union that has not been certified as the bargaining agent for a bargaining unit of employees of the employer enter into a collective agreement, or a recognition agreement as provided for in subsection 3 of section 13,



SECTION 18. The provision repealed provides that on the dissolution of a certified council of trade unions or withdrawal of a constituent trade union, the council and its member unions cease to represent employees.

SECTION 19. The amendment reduces the requirement for bringing an application for termination of bargaining rights from 50 per cent to 35 per cent, in line with the requirements for a vote in sections 5 and 6 of this Bill.

SECTION 20. The amendment allows employees to question the representative character of a trade union that has made a voluntary recognition agreement.



SECTION 21. Complementary to section 3 of this Bill.

SECTION 22. Under the present section 47*a* of the Act, upon the sale of a business, the bargaining rights continue in respect of the new owner. The new section provides that the new owner is bound by the existing agreements.

the Board may, upon the application of any employee in the bargaining unit or of a trade union representing any employee in the bargaining unit, during the first year of the period of time that the first collective agreement between them is in operation or, if no collective agreement has been entered into, within one year from the signing of such recognition agreement, declare that the trade union was not, at the time the agreement was entered into, entitled to represent the employees in the bargaining unit.

(2) Subsection 4 of the said section 45*a* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 202,  
s. 45*a*,  
(1964, c. 53,  
s. 5),  
subs. 4,  
re-enacted

- (4) Upon the Board making a declaration under subsection 1, the trade union forthwith ceases to represent the employees in the defined bargaining unit in the recognition agreement or collective agreement and any collective agreement in operation between the trade union and the employer ceases to operate forthwith in respect of the employees affected by the application.

**21.** Section 46 of *The Labour Relations Act* is amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 202, s. 46,  
amended

- (4) Subsections 1 and 3 apply *mutatis mutandis* to an application made under subsection 1*b* of section 5.

Application  
of sub-  
sections 1  
and 3

**22.**—(1) Section 47*a* of *The Labour Relations Act*, as re-enacted by section 1 of *The Labour Relations Amendment Act, 1962-63* and amended by section 18 of *The Labour Relations Amendment Act, 1966*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 202,  
s. 47*a*,  
(1962-63,  
c. 70, s. 1),  
re-enacted

47*a*.—(1) In this section,

Interpre-  
tation

- (*a*) “business” includes a part or parts thereof;  
(*b*) “sells” includes leases, transfers and any other manner of disposition, and “sold” and “sale” have corresponding meanings.

- (2) Where an employer who is bound by or is a party to a collective agreement with a trade union or council of trade unions sells his business, the person to whom the business has been sold is, until the Board otherwise declares, bound by the collective agreement as if he had been a party thereto and, where an employer sells his business while an application for certification or termination of bargaining rights to which he is a party is before the Board, the person to whom the business has been sold is, until the Board otherwise

Successor  
employer

declares, the employer for the purposes of the application as if he were named as the employer in the application.

Idem

- (3) Where an employer on behalf of whose employees a trade union or council of trade unions, as the case may be, has been certified as bargaining agent or has given or is entitled to give notice under section 11 or 40, sells his business, the trade union or council or trade unions continues, until the Board otherwise declares, to be the bargaining agent for the employees of the person to whom the business was sold in the like bargaining unit in that business, and the trade union or council of trade unions is entitled to give to the person to whom the business was sold a written notice of its desire to bargain with a view to making a collective agreement and such notice has the same effect as a notice under section 11.

Powers of Board

- (4) Where a business was sold to a person and a trade union or council of trade unions was the bargaining agent of any of the employees in such business or a trade union or council of trade unions is the bargaining agent of the employees in any business carried on by the person to whom the business was sold, and,

(a) any question arises as to what constitutes the like bargaining unit referred to in subsection 3; or

(b) any person, trade union or council of trade unions claims that, by virtue of the operation of subsections 2 or 3, a conflict exists between the bargaining rights of the trade union or council of trade unions that represented the employees of the predecessor employer and the trade union or council of trade unions that represents the employees of the person to whom the business was sold,

the Board may, upon the application of any person, trade union or council of trade unions concerned,

(c) define the composition of the like bargaining unit referred to in subsection 3 with such modification, if any, as the Board deems necessary; and

(d) amend, to such extent as the Board deems necessary, any bargaining unit in any certificate issued to any trade union or any bargaining unit defined in any collective agreement.

- (5) The Board may, upon the application of any person,<sup>Idem</sup> trade union or council of trade unions concerned, made within sixty days after the successor employer referred to in subsection 2 becomes bound by the collective agreement, or within sixty days after the trade union or council of trade unions has given a notice under subsection 3, terminate the bargaining rights of the trade union or council of trade unions bound by the collective agreement or that has given notice, as the case may be, if, in the opinion of the Board, the person to whom the business was sold has changed its character so that it is substantially different from the business of the predecessor employer.
- (6) Notwithstanding subsections 2 and 3, where a<sup>Idem</sup> business was sold to a person who carries on one or more other businesses and a trade union or council of trade unions is the bargaining agent of the employees in any of the businesses and such person intermingles the employees of one of the businesses with those of another of the businesses, the Board may, upon the application of any person, trade union or council of trade unions concerned,
- (a) declare that the person to whom the business was sold is no longer bound by the collective agreement referred to in subsection 2;
  - (b) determine whether the employees concerned constitute one or more appropriate bargaining units;
  - (c) declare which trade union, trade unions or council of trade unions, if any, shall be the bargaining agent or agents for the employees in such unit or units; and
  - (d) amend, to such extent as the Board deems necessary, any certificate issued to any trade union or council of trade unions or any bargaining unit defined in any collective agreement.
- (7) Where a trade union or council of trade unions is<sup>Notice to bargain</sup> declared to be the bargaining agent under subsection 6 and it is not already bound by a collective agreement with the successor employer with respect to the employees for whom it is declared to be the bargaining agent, it is entitled to give to the employer a



written notice of its desire to bargain with a view to making a collective agreement, and such notice has the same effect as a notice under section 11.

Powers of  
Board before  
disposing of  
application

- (8) Before disposing of any application under this section, the Board may make such inquiry, may require the production of such evidence and the doing of such things, or may hold such representation votes, as it deems appropriate.

Where  
employer not  
required to  
bargain

- (9) Where an application is made under this section, an employer is not required, notwithstanding that a notice has been given by a trade union or council of trade unions, to bargain with that trade union or council of trade unions concerning the employees to whom the application relates until the Board has disposed of the application and has declared which trade union or council of trade unions, if any, has the right to bargain with the employer on behalf of the employees concerned in the application.

Effect of  
notice or  
declaration

- (10) For the purposes of sections 5, 43, 45, 46 and 96, a notice given by a trade union or council of trade unions under subsection 3 or a declaration made by the Board under subsection 6 has the same effect as a certification under section 7.

Successor  
municipalities  
R.S.O. 1960,  
c. 98

- (11) Where one or more municipalities as defined in *The Department of Municipal Affairs Act* is erected into another municipality, or two or more such municipalities are amalgamated, united or otherwise joined together, or all or part of one such municipality is annexed, attached or added to another such municipality, the employees of the municipalities concerned shall be deemed to have been intermingled, and,

(a) the Board may exercise the like powers as it may exercise under subsections 6 and 8 with respect to the sale of a business under this section;

(b) the new or enlarged municipality has the like rights and obligations as a person to whom a business is sold under this section and who intermingles the employees of one of his businesses with those of another of his businesses; and

(c) any trade union or council of trade unions concerned has the like rights and obligations





SECTION 23. The new provision introduces a duty of fair representation on a trade union. The corresponding requirement in respect of an accredited employers' organization is included in section 41 of the Bill.

SECTIONS 24 and 26. Threatening an unlawful strike or unlawful lock-out is made an unfair labour practice.

The amendment also requires that a certification vote as well as a strike vote be by secret ballot and that those entitled to vote have ample opportunity to do so.

SECTION 25. The amendment provides that employees who have engaged in a strike have the right to reinstatement during the first six months of a strike.

as it would have in the case of the intermingling of employees in two or more businesses under this section.

- (12) Where, on any application under this section or in any other proceeding before the Board, a question arises as to whether a business has been sold by one employer to another, the Board shall determine the question and its decision thereon is final and conclusive for the purposes of this Act.
- Power of Board to determine whether sale

(2) Subsection 1 does not apply in respect of the sale of a business before the day on which this section comes into force and where a question arises as to whether a business has been sold by one employer to another for the purposes of this subsection, the Board shall determine the question and its decision thereon is final and conclusive.

Application of subs. 1

**23.** *The Labour Relations Act* is amended by adding thereto the following section:

R.S.O. 1960, c. 202, amended

- 51a. A trade union, so long as it continues to be entitled to represent employees in a bargaining unit, shall not act in a manner that is arbitrary, discriminatory or in bad faith in the representation of any of the employees in the unit, whether members of the trade union or not.
- Duty of fair representation by trade union

**24.** Section 54 of *The Labour Relations Act*, as amended by section 20 of *The Labour Relations Amendment Act, 1966*, is repealed and the following substituted therefor:

R.S.O. 1960, c. 202, s. 54, re-enacted

- 54.—(1) Where a collective agreement is in operation, no employee bound by the agreement shall strike or threaten to strike and no employer bound by the agreement shall lock out or threaten to lock out such an employee.
- Strike or lock-out agreement
- (2) Where no collective agreement is in operation, no employee shall strike or threaten to strike and no employer shall lock out or threaten to lock out an employee until the Minister has appointed a conciliation officer or a mediator under this Act and,
- No agreement
- (a) seven days have elapsed after the Minister has released to the parties the report of a conciliation board or mediator; or
- (b) fourteen days have elapsed after the Minister has released to the parties a notice that he

does not deem it advisable to appoint a conciliation board,

as the case may be.

Strike or  
ratification  
vote to be  
secret

- (3) A strike vote or a vote to ratify a proposed collective agreement taken by a trade union shall be by ballots cast in such a manner that a person expressing his choice cannot be identified with the choice expressed.

Opportunity  
to vote

- (4) Any vote mentioned in subsection 3 shall be conducted in such a manner that those entitled to vote have ample opportunity to cast their ballots.

R.S.O. 1960,  
c. 202,  
amended

**25.** *The Labour Relations Act* is amended by adding thereto the following section:

Reinstatement  
of  
employee

- 54a.**—(1) Where an employee engaging in a lawful strike makes an unconditional application in writing to his employer within six months from the commencement of the lawful strike to return to work, the employer shall, subject to subsection 2, reinstate the employee in his former employment, on such terms as the employer and employee may agree upon, and the employer in offering terms of employment shall not discriminate against the employee by reason of his exercising or having exercised any rights under this Act.

Exceptions

- (2) An employer is not required to reinstate an employee who has made an application to return to work in accordance with subsection 1,
- (a) where the employer no longer has persons engaged in performing work of the same or similar nature to work which the employee performed prior to his cessation of work; or
- (b) where there has been a suspension or discontinuance for cause of an employer's operations, or any part thereof but if the employer resumes such operations, the employer shall first reinstate those employees who have made an application under subsection 1.

R.S.O. 1960,  
c. 202,  
ss 55, 56,  
re-enacted

**26.** Sections 55 and 56 of *The Labour Relations Act* are repealed and the following substituted therefor:

Unlawful  
strike

- 55.** No trade union or council of trade unions shall call or authorize or threaten to call or authorize and no officer, official or agent of a trade union or council of trade unions shall counsel, procure, support or encourage an unlawful strike or threaten an unlawful strike.



SECTION 27. The new provision makes it an unfair labour practice for an employer to alter working conditions once a union has applied for certification. At present this is an unfair practice only after a trade union has been certified.

SECTION 28. The amendment modifies the enforcement provisions of the Act to deal with various unfair labour practices introduced by this Bill.

56. No employer or employers' organization shall call or authorize or threaten to call or authorize, and no officer, official or agent of an employer or employers' organization shall counsel, procure, support or encourage an unlawful lock-out or threaten an unlawful lock-out. <sup>Unlawful lock-out</sup>

**27.** Section 59 of *The Labour Relations Act* is amended by adding thereto the following subsection: <sup>R.S.O. 1960, c. 202, s. 59, amended</sup>

- (1a) Where a trade union has applied for certification and notice thereof from the Board has been received by the employer, no employer shall, except with the consent of the trade union, alter the rights, privileges or duty of the employer or the employees until, <sup>Idem</sup>

- (a) the trade union has given notice under section 11, in which case subsection 1 applies; or
- (b) the application for certification by the trade union is dismissed or terminated by the Board, or withdrawn by the trade union.

**28.—**(1) Subsection 1 of section 65 of *The Labour Relations Act*, as re-enacted by subsection 1 of section 24 of *The Labour Relations Amendment Act, 1966*, is amended by striking out "or" at the end of clause *a*, by adding "or" at the end of clause *b* and by adding thereto the following clause: <sup>R.S.O. 1960, c. 202, s. 65, subs. 1 (1966, c. 76, s. 24, subs. 1), amended</sup>

- (c) a trade union, council of trade unions, employer, employers' organization, person or persons has acted in any way contrary to section 51a, clause *b* of subsection 2 of section 59a, subsection 1 or 2 of section 103, or section 104, 105 or 106.

(2) Clause *a* of subsection 4 of the said section 65, as re-enacted by subsection 2 of section 24 of *The Labour Relations Amendment Act, 1966* is amended by inserting after "benefits" in the sixteenth line "which compensation may be assessed against the employer, other person or trade union jointly or severally", so that the clause shall read as follows: <sup>R.S.O. 1960, c. 202, s. 65, subs. 4 (1966, c. 76, s. 24, subs. 2), cl. a, amended</sup>

- (a) if the Board is satisfied that the person concerned has been refused employment, discharged, discriminated against, threatened, coerced, intimidated or otherwise dealt with contrary to this Act as to his employment, opportunity for employment or conditions of employment by any employer or other person or a trade union, it shall determine what, if anything, the employer, other person or trade union shall do or refrain from doing with respect thereto, and such determination may include the



hiring or reinstatement in employment of the person concerned, with or without compensation or compensation in lieu of hiring or reinstatement for loss of earnings and other employment benefits which compensation may be assessed against the employer, other person or trade union jointly or severally, and the employer, other person or trade union shall, notwithstanding the provisions of any collective agreement, do or abstain from doing anything required of them or any of them by the determination; or

R.S.O. 1960,  
c. 202, s. 65,  
subs. 4  
(1966, c. 76,  
s. 24, subs.  
1), amended

(3) Subsection 4 of the said section 65, as re-enacted by subsection 2 of section 24 of *The Labour Relations Amendment Act, 1966*, is amended by striking out "or" at the end of clause *a*, by adding "or" at the end of clause *b* and by adding thereto the following clause:

- (c) if the Board is satisfied that the trade union, council of trade unions, employer, employers' organization, person or employee concerned has acted contrary to section 51*a*, clause *b* of subsection 2 of section 59*a*, subsection 1 or 2 of section 103 or section 104, 105 or 106, it shall determine what, if anything, the trade union, council of trade unions, employer, employers' organization, person or employee, shall do or refrain from doing with respect thereto, and such determination may include compensation for loss of earnings and other employment benefits and the trade union, council of trade unions, employer, employers' organization, person or employee shall, notwithstanding the provisions of any collective agreement, do or abstain from doing anything required of them or it.

R.S.O. 1960,  
c. 202, s. 65,  
subss. 5, 6,  
(1961-62,  
c. 68, s. 8,  
subs. 2),  
re-enacted

(4) Subsection 5 as re-enacted by subsection 2 of section 8 of *The Labour Relations Amendment Act, 1961-62* and subsection 6 as enacted by subsection 2 of section 8 of *The Labour Relations Amendment Act, 1961-62* of the said section 65 are repealed and the following substituted therefor:

Enforcement  
of  
discrimina-  
tion

- (5) Where the trade union, council of trade unions, employer, employers' organization, person or employee, has failed to comply with any of the terms of the determination, any trade union, council of trade unions, employer, employers' organization, person or employee, affected by the determination may, after the expiration of fourteen days from the date of the release of the determination or the date provided



SECTION 29. Protection from retaliation is provided for witnesses appearing before the Board even though the witnesses are not otherwise covered by the Act.

SECTION 30—Subsection 1. The amendment gives the Board the power to deal with jurisdictional disputes where the employer does not employ members of both the competing trade unions.

in the determination for compliance, whichever is later, notify the Board in writing of such failure, and thereupon the Board shall file in the office of the Registrar of the Supreme Court a copy of the determination, exclusive of the reasons, if any, therefor, in the prescribed form, whereupon the determination shall be entered in the same way as a judgment or order of that court and is enforceable as such.

- (6) Where the matter complained of has been settled, <sup>Effect of settlement</sup> whether through the endeavours of the field officer or otherwise, and the terms of the settlement have been put in writing and signed by the parties or their representatives, the settlement is binding upon the parties, the trade union, council of trade unions, employer, employers' organization, person or employee who have agreed to the settlement and shall be complied with according to its terms, and a complaint that the trade union, council of trade unions, employer, employers' organization, person or employee who has agreed to the settlement has not complied with the terms of the settlement shall be deemed to be a complaint under clause *a*, *b* or *c* of subsection 1 as the case may be.

**29.** *The Labour Relations Act* is amended by adding thereto <sup>R.S.O. 1960, c. 202, amended</sup> the following section:

- 65*a*. For the purposes of section 59*a* and any complaint made under section 65, "person" includes any person <sup>"Person" defined for purposes of ss. 59*a*, and 65</sup> otherwise excluded by subsection 3 of section 1.

**30.**—(1) Subsection 1 of section 66 of *The Labour Relations Act*, as re-enacted by section 25 of *The Labour Relations Amendment Act, 1966*, is amended by striking out "employees" <sup>R.S.O. 1960, c. 202, s. 66 (1966, c. 76, s. 25), subs. 1, amended</sup> in the sixth line, the seventh line, the ninth and tenth lines and the eleventh line and inserting in lieu thereof in each instance "persons", and by striking out "employee" in the fifteenth line and inserting in lieu thereof "person", so that the subsection shall read as follows:

- (1) The Board may inquire into a complaint that a <sup>Jurisdictional disputes</sup> trade union or council of trade unions, or an officer, official or agent of a trade union or council of trade unions, was or is requiring an employer or an employers' organization to assign particular work to persons in a particular trade union or in a particular trade, craft or class rather than to persons in another trade union or in another trade, craft or class,

or that an employer was or is assigning work to persons in a particular trade union rather than to persons in another trade union, and it shall direct what action, if any, the employer, the employers' organization, the trade union or the council of trade unions or any officer, official or agent of any of them or any person shall do or refrain from doing with respect to the assignment of work.

R.S.O. 1960,  
c. 202, s. 66  
(1966, c. 76,  
s. 25),  
amended

(2) The said section 66 is amended by adding thereto the following subsection:

Scope of  
Board's  
direction

(1a) The Board may in any direction made under subsection 1 provide that it shall be binding on the parties for other jobs then in existence or undertaken in the future in such geographic area as the Board may deem advisable.

R.S.O. 1960,  
c. 202, s. 66  
(1966, c. 76,  
s. 25),  
amended

(3) The said section 66 is further amended by adding thereto the following subsections:

Notice to  
jurisdictional  
representatives

(1b) Where a trade union, council of trade unions, employer or employers' organization referred to in subsection 1 of section 108 files a complaint under subsection 1 and if each party affected by the complaint has designated a jurisdictional representative as provided under section 108, the Registrar or such other person as may be designated by the chairman shall immediately notify the respective designated jurisdictional representatives by telephone and telegram of the filing of the complaint.

Meeting of  
jurisdictional  
representatives

(1c) The designated jurisdictional representatives involved shall forthwith meet and endeavour to effect a settlement of the matters complained of and shall report the results of their endeavours to the Board within fourteen days from the day of the filing of the complaint.

Filing of  
settlement  
with Board

(1d) Where the designated jurisdictional representatives unanimously agree to a settlement of the matter complained of, it shall be reduced to writing, signed by the respective representatives and filed with the Board within the time set by subsection 1c.

Filing of  
settlement  
in S.C.O.

(1e) Where a settlement is filed with the Board under subsection 1d, the Board, after such consultation with the designated jurisdictional representatives as it deems advisable in order to clarify the terms of the settlement, shall embody the settlement and any

Subsection 2. The amendment authorizes the Board to make decisions of general application to the parties.

Subsections 3 and 4. Machinery is created for the private settlement of jurisdictional disputes.



SECTION 31. The new provision provides for arbitration of damages resulting from an unlawful strike or lock-out where there is no collective agreement between the trade union and employer.

agreed to changes necessary for its clarification in the form of a direction under subsection 1 and shall file it in the prescribed form in the office of the Registrar of the Supreme Court, whereupon the direction shall be entered in the same way as a judgment or order of that court.

- (1f) Where the designated jurisdictional representatives are notified under subsection 1b, the Board shall not, except as provided in subsection 2, proceed with the inquiry referred to in subsection 1 until the expiry of the fourteen day period referred to in subsection 1c.

(4) Subsection 7 of the said section 66 is amended by striking out "Notwithstanding subsections 1 and 2" in the first line, so that the subsection shall read as follows:

Time of inquiry

R.S.O. 1960, c. 202, s. 66 (1966, c. 76, s. 25), subs. 7, amended

- (7) Where a trade union or a council of trade unions and an employer or an employers' organization have made an arrangement to resolve any differences between them arising from the assignment of work, the Board may, upon such terms and conditions as it may fix, postpone inquiring into a complaint under this section until the difference has been dealt with in accordance with such arrangement.

Postponement of inquiry

**31.** *The Labour Relations Act* is amended by adding thereto the following section:

R.S.O. 1960, c. 202, amended

68a.—(1) Where the Board declares that a trade union or council of trade unions has called or authorized an unlawful strike or that an employer or employers' organization has called or authorized an unlawful lock-out and no collective agreement is in operation between the trade union or council of trade unions and the employer or employers' organization, as the case may be, the trade union or council of trade unions or employer or employers' organization, may within fifteen days of the release of the Board's declaration, but not thereafter, notify the employer or employers' organization or trade union or council of trade unions, as the case may be, in writing of its intention to claim damages for the unlawful strike or lock-out, and the notice shall contain the name of its appointee to an arbitration board.

Notice of claim for damages after unlawful strike or lock-out where no collective agreement

- (2) The recipient of the notice shall within five days inform the sender of the notice of the name of its appointee to the arbitration board.

Appointment of arbitration board

- Idem (3) The two appointees so selected shall, within five days of the appointment of the second of them, appoint a third person who shall be the chairman.
- Idem (4) If the recipient of the notice fails to name an appointee, or if the two appointees fail to agree upon a chairman within the time limited, the appointment shall be made by the Minister upon the request of either party.
- Decision of arbitration board (5) The arbitration board shall hear and determine the claim for damages including any question as to whether the claim is arbitrable and shall issue a decision and the decision is final and binding upon the parties to the arbitration, and,
- (a) in the case of a council of trade unions, upon the members of affiliates of the council who are affected by the decision; and
- (b) in the case of an employers' organization, upon the employers in the organization who are affected by the decision.
- Idem (6) The decision of a majority is the decision of the arbitration board, but if there is no majority the decision of the chairman governs.
- Renumeration of members of board (7) The chairman and members of the arbitration board under this section shall be paid renumeration and expenses at the same rate as is payable to a chairman and members of a conciliation board under this Act, and the parties to the arbitration are jointly and severally liable for the payment of such fees and expenses.
- Procedure of board (8) In an arbitration under this section, subsections 5, 6, 7, 9 and 10 of section 34 apply *mutatis mutandis*.
- R.S.O. 1960, c. 202, s. 69, subs. 1, cls. a, b, re-enacted **32.** Clauses *a* and *b* of subsection 1 of section 69 of *The Labour Relations Act* are repealed and the following substituted therefor:
- (a) if an individual, to a fine of not more than \$1,000; or
- (b) if a corporation, trade union, council of trade unions or employers' organization, to a fine of not more than \$10,000.
- R.S.O. 1960, c. 202, s. 73 (1966, c. 76, s. 26), amended **33.** Section 73 of *The Labour Relations Act*, as re-enacted by section 26 of *The Labour Relations Amendment Act, 1966*, is amended by inserting after "66" in the fifth line "or a

SECTION 32. The maximum penalties for contravention of the Act are increased.

SECTION 33. Complementary to sections 31 and 41 of this Bill.

SECTION 34—Subsections 1 and 4. **Complementary** to section 41 of this Bill.

Subsection 2. The amendment ensures continuity of procedures where a Board member resigns.

Subsection 3. The provision clarifies what constitutes a deciding vote of the Board.

direction of the Board under section 107", and by inserting after "board" in the sixth line "including a decision under section 68a", so that the section shall read as follows:

73. Where a trade union, a council of trade unions or an unincorporated employers' organization is affected by a determination of the Board under section 65, an interim order or direction of the Board under section 66 or a direction of the Board under section 107 or a decision of an arbitrator or arbitration board including a decision under section 68a, proceedings to enforce the determination, interim order, direction or decision may be instituted in the Supreme Court by or against such union, council or organization in the name of the union, council or organization, as the case may be. Proceedings in S.C.O.

**34.**—(1) Subsection 3a of section 75 of *The Labour Relations Act*, as enacted by subsection 1 of section 10 of *The Labour Relations Amendment Act, 1961-62*, is amended by striking out "96" in the fifth line and inserting in lieu thereof "108", so that the subsection shall read as follows: R.S.O. 1960, c. 202, s. 75, subs. 3a (1961-62, c. 68, s. 10, subs. 1), amended

- (3a) One of the divisions of the Board shall be designated by the chairman as the construction industry division, and it shall exercise the powers of the Board under this Act in proceedings to which sections 90 to 108 apply, but nothing in this subsection impairs the authority of any other division to exercise such powers. Construction industry division

(2) The said section 75 is amended by adding thereto the following subsection: R.S.O. 1960, c. 202, s. 75, amended

- (4a) Where a member of the Board resigns, he may carry out and complete any duties or responsibilities and exercise any powers that he would have had if he had not ceased to be a member, in connection with any matter in respect of which there was any proceeding in which he participated as a member of the Board. Resignation of member

(3) Subsection 8 of the said section 75 is repealed and the following substituted therefor: R.S.O. 1960, c. 202, s. 75, subs. 8, re-enacted

- (8) The decision of the majority of the members of the Board present and constituting a quorum is the decision of the Board, but, if there is no majority, the decision of the chairman or vice-chairman governs. Decisions



R.S.O. 1960,  
c. 202, s. 75,  
subs. 9a  
(1961-62,  
c. 68, s. 10,  
subs. 3),  
amended

(4) Subsection 9a of the said section 75, as enacted by subsection 3 of section 10 of *The Labour Relations Amendment Act, 1961-62* and amended by section 9 of *The Labour Relations Amendment Act, 1964* is further amended by striking out "96" in the third line and inserting in lieu thereof "108", so that the subsection shall read as follows:

Rules  
applicable  
to con-  
struction  
industry

(9a) The Board may, subject to the approval of the Lieutenant Governor in Council, make rules to expedite proceedings before the Board to which sections 90 to 108 apply, and such rules may provide that, for the purposes of determining the merits of an application for certification to which sections 90 to 92 apply, the Board shall make or cause to be made such examination of records and such other inquiries as it deems necessary, but the Board need not hold a hearing on such an application.

R.S.O. 1960,  
c. 202, s. 77,  
subs. 2,  
amended

**35.**—(1) Subsection 2 of section 77 of *The Labour Relations Act* is amended by adding thereto the following clause:

(k) to determine the form in which and the time as of which evidence of representation by an employers' organization or of objection by employers to accreditation of an employers' organization or of signification by employers that they no longer wish to be represented by an employers' organization shall be presented to the Board in an application for accreditation or for a declaration terminating bargaining rights of an employers' organization and to refuse to accept any evidence of representation or objection or signification that is not presented in the form and as of the time so determined.

R.S.O. 1960,  
c. 202, s. 77,  
amended

(2) The said section 77 is amended by adding thereto the following subsections:

Additional  
votes

(5) Where the Board determines that a representation vote is to be taken amongst the employees in a bargaining unit or voting constituency, the Board may hold such additional representation votes as it considers necessary to determine the true wishes of the employees.

Idem

(6) Where, in the taking of a representation vote, the Board determines that the employees are to be given a choice between two or more trade unions,

(a) the Board shall include on any ballot a choice indicating that an employee does not wish to be represented by a trade union; and

Section 35—Subsection 1. Complementary to section 41 of this Bill.

Subsection 2. The new provisions authorize the Board to order additional representation votes in certain circumstances.

SECTION 36. Complementary to subsection 1 of section 22 of this Bill.

SECTION 37—Subsection 1. Complementary to section 41 of this Bill.

Subsection 2. Complementary to sections 31 and 41 of this Bill.

SECTION 36. Complementary to sections 31 and 41 of this Bill.

- (b) the Board, when it decides to hold such additional representation votes as may be necessary, may eliminate from the choice on the ballot the trade union that has obtained the lowest number of votes cast in the previous representation vote.

**36.** Subsection 2 of section 79a of *The Labour Relations Act*, as enacted by section 33 of *The Labour Relations Amendment Act, 1966*, is amended by striking out "10" in the fifth line and inserting in lieu thereof "11".

R.S.O. 1960,  
c. 202, s. 79a  
subs. 2  
(1966, c. 76,  
s. 33),  
amended

**37.**—(1) Subsection 2 of section 85 of *The Labour Relations Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 202, s. 85,  
subs. 2,  
re-enacted

- (2) An application for certification or accreditation or for a declaration that a trade union or employers' organization no longer represents the employees or employers, as the case may be, in a bargaining unit, if sent by registered mail addressed to the Board at Toronto, shall be deemed to have been made on the date on which it was so mailed.

Time of  
making  
certain  
applications

(2) Subsection 4 of the said section 85, as enacted by section 35 of *The Labour Relations Amendment Act, 1966*, is amended by inserting after "66" in the fourth line "or a direction of the Board under section 107" and by inserting after "board" in the fifth line "including a decision under section 68a", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 202, s. 85,  
subs. 4  
(1966, c. 76,  
s. 35),  
amended

- (4) Proof by a person, employers' organization, trade union or council of trade unions of failure to receive a determination under section 65 or an interim order or direction under section 66 or a direction of the Board under section 107, or a decision of an arbitrator or of an arbitration board including a decision under section 68a sent by mail to such person, employers' organization, trade union or council of trade unions addressed to him or it at his or its last-known address is a defence by such person, employers' organization, trade union or council of trade unions to an application for consent to institute a prosecution or to any proceedings to enforce as a judgment or order of the Supreme Court such determination, interim order, direction or decision.

Failure  
to receive  
documents  
a defence

**38.** Clause f of section 88 of *The Labour Relations Act* is amended by striking out "and 66" in the third line and inserting in lieu thereof "66, 68a and 107", so that the clause shall read as follows:

R.S.O. 1960,  
c. 202, s. 88,  
cl. f,  
amended

- (f) prescribing forms and providing for their use, including the form in which the documents mentioned in sections 34, 65, 66, 68a and 107 shall be filed in the Supreme Court.

R.S.O. 1960,  
c. 202, s. 90  
(1961-62,  
c. 68, s. 16),  
re-enacted

**39.** Section 90 of *The Labour Relations Act*, as enacted by section 16 of *The Labour Relations Amendment Act, 1961-62*, is repealed and the following substituted therefor:

Interpreta-  
tion

90. In this section and in sections 91 to 108,

- (a) "council of trade unions" means a council that is formed for the purpose of representing or that according to established bargaining practice represents trade unions as defined in clause *f*;
- (b) "employee" includes an employee engaged in whole or in part in off-site work but who is commonly associated in his work or bargaining with on-site employees.
- (c) "employer" means a person who operates a business in the construction industry, and for purposes of an application for accreditation means an employer for whose employees a trade union or council of trade unions affected by the application has bargaining rights in a particular geographic area and sector or areas or sectors or parts thereof;
- (d) "employers' organization" means an organization that is formed for the purpose of representing or represents employers as defined in clause *c*;
- (e) "sector" means a division of the construction industry as determined by work characteristics and includes the industrial, commercial and institutional sector, the residential sector, the sewers, tunnels and watermains sector, the roads sector, the heavy engineering sector and the pipeline sector;
- (f) "trade union" means a trade union that according to established trade union practice pertains to the construction industry.

R.S.O. 1960,  
c. 202, s. 91  
(1961-62,  
c. 68, s. 16),  
amended

**40.** Section 91 of *The Labour Relations Act*, as enacted by section 16 of *The Labour Relations Amendment Act, 1961-62* and amended by section 38 of *The Labour Relations Amendment Act, 1966*, is further amended by striking out

SECTIONS 39, 40 and 41. The new provisions provide for the accreditation of employers' organizations in the construction industry as bargaining agents for units of employers.

Section 107 of the Act as added by section 41 of the Bill authorizes the Board to make directions where an unlawful strike or lock-out is called or threatened in the construction industry. The new section 108 is complementary to subsections 3 and 4 of section 30 of this Bill.





"96" in the second line and in the third line and inserting in lieu thereof in each instance "108", so that the section shall read as follows:

91. Where there is conflict between any provision in <sup>Conflict</sup> sections 92 to 108 and any provision in sections 5 to 43 and 47 to 88, the provisions in sections 92 to 108 prevail.

**41.** *The Labour Relations Act* is amended by adding <sup>R.S.O. 1960,</sup> thereto the following sections: <sup>c. 202,</sup> <sup>amended</sup>

97. Where a trade union or council of trade unions has <sup>Accredita-</sup> been certified or has been granted voluntary recogni- <sup>tion of</sup> tion, under section 13, as the bargaining agent for a <sup>employers'</sup> unit of employees of more than one employer in the <sup>organization</sup> construction industry or where a trade union or council of trade unions has entered into collective agreements with more than one employer covering a unit of employees in the construction industry, an employers' organization may apply to the Board to be accredited as the bargaining agent for all employers in the geographic area and particular sector of the industry described in the said certificates, voluntary recognition documents or collective agreements, as the case may be.

- 98.—(1) Upon an application for accreditation, the <sup>Board to</sup> Board shall determine the unit of employers that is <sup>determine</sup> appropriate for collective bargaining in a particular <sup>appropriate-</sup> geographic area and sector, but the Board need not <sup>ness of unit</sup> confine the unit to one geographic area or sector but may, if it considers it advisable, combine areas or sectors or both or parts thereof.

- (2) The unit of employers shall comprise all employers <sup>Idem</sup> as defined in clause *c* of section 90 in the geographic area and sector determined by the Board to be appropriate.

- 99.—(1) Upon an application for accreditation the <sup>Determi-</sup> Board shall ascertain, <sup>nations by</sup> <sup>Board</sup>

- (a) the number of employers in the unit of employers on the date of the making of the application who have within one year prior to such date had employees in their employ for whom the trade union or council of trade unions has bargaining rights in the geographic area and sector determined by the Board to be appropriate;

- (b) the number of employers in clause *a* represented by the employers' organization on the date of the making of the application; and
- (c) the number of employees of employers in clause *a* on the payroll of each such employer for the weekly payroll period immediately preceding the date of the application or if, in the opinion of the Board, such payroll period is unsatisfactory for any one or more of the employers in clause *a*, such other weekly payroll period for any one or more of the said employers as the Board considers advisable.

Accredita-  
tion

(2) If the Board is satisfied,

- (a) that a majority of the employers in clause *a* of subsection 1 are represented by the employers' organization; and
- (b) that such majority of employers employed a majority of the employees in clause *c* of subsection 1,

the Board, subject to subsection 3, shall accredit the employers' organization as the bargaining agent of the employers in the unit of employers and for such other employers for whose employees the trade union or council of trade unions may, after the date of the making of the application, obtain bargaining rights through certification or voluntary recognition in the appropriate geographic area and sector.

Authority  
of employers'  
organization

- (3) Before accrediting an employers' organization under subsection 2, the Board shall satisfy itself that the employers' organization is a properly constituted organization and that each of the employers whom it represents has vested appropriate authority in the organization to enable it to discharge the responsibilities of an accredited bargaining agent.

Idem

- (4) Where the Board is of the opinion that appropriate authority has not been vested in the employers' organization, the Board may postpone disposition of the application to enable employers represented by the organization to vest such additional or other authority in the organization as the Board considers necessary.

- (5) The Board shall not accredit any employers' organization if any trade union or council of trade unions has participated in its formation or administration or has contributed financial or other support to it or if it discriminates against any person because of his race, creed, colour, nationality, ancestry or place of origin.
- What employers' organization not to be accredited

100.—(1) Upon accreditation, all rights, duties and obligations under this Act of employers for whom the accredited employers' organization is or becomes the bargaining agent apply *mutatis mutandis* to the accredited employers' organization.

Effect of accreditation

- (2) Upon accreditation, any collective agreement in operation between the trade union or council of trade unions and any employer in clause *a* of subsection 1 of section 99 is binding on the parties thereto only for the remainder of the term of operation of the agreement, regardless of any provision therein respecting its renewal.
- Effect of accreditation on collective agreements

- (3) When any collective agreement mentioned in subsection 2 ceases to operate, the employer shall thereupon be bound by any collective agreement then in existence between the trade union or council of trade unions and the accredited employers' organization or subsequently entered into by the said parties.
- Idem

- (4) Where, after the date of the making of an application for accreditation, the trade union or council of trade unions obtains bargaining rights for the employee of an employer through certification or voluntary recognition, that employer is bound by any collective agreement in existence at the time of the certification or voluntary recognition between the trade union or council of trade unions and the applicant employers' organization or subsequently entered into by the said parties.
- Idem

- (5) A collective agreement between a trade union or council of trade unions and an employer who, but for the one-year requirement, would have been included in clause *a* of subsection 1 of section 99 is binding on the parties thereto only for the remainder of the term of operation of the agreement regardless of any provisions therein respecting its renewal.
- Idem

Idem

- (6) When any collective agreement mentioned in subsection 5 ceases to operate, the employer shall thereupon be bound by any collective agreement then in existence between the trade union or council of trade unions and the accredited employers' organization or subsequently entered into by the said parties.

Application  
of s. 39,  
subs. 1

- (7) Where, under the provisions of this section, an employer becomes bound by a collective agreement between a trade union or council of trade unions and an accredited employers' organization after the said agreement has commenced to operate, the agreement ceases to be binding on the employer in accordance with the terms thereof, notwithstanding subsection 1 of section 39.

Application  
of s. 38,  
subss. 1, 2

- 101.—(1) Subsections 1 and 2 of section 38 do not apply to an accredited employers' organization.

Binding  
effect of  
collective  
agreement  
on employer

- (2) A collective agreement between an accredited employers' organization and a trade union or council of trade unions is, subject to and for the purposes of this Act, binding upon the accredited employers' organization and the trade union or council of trade unions, as the case may be, and upon each employer in the unit of employers represented by the accredited employers' organization at the time the agreement was entered into and upon such other employers as may subsequently be bound by the said agreement, as if it was made between each of such employers and the trade union or council of trade unions and, if any such employer ceases to be represented by the accredited employers' organization during the term of operation of the agreement, the employer shall, for the remainder of the term of operation of the agreement, be deemed to be a party to a like agreement with the trade union or council of trade unions.

Binding  
effect of  
collective  
agreement  
on employees

- (3) A collective agreement between an accredited employers' organization and a trade union or council of trade unions is binding on the employees in the bargaining unit defined in the agreement of any employer bound by the collective agreement.

Termination  
of accreditation

- 102.—(1) If an accredited employers' organization does not make a collective agreement with the trade union or council of trade unions, as the case may be, within one year after its accreditation, any of the employers in the unit of employers determined in the



accreditation certificate may apply to the Board only during the two months following the said one year for a declaration that the accredited employers' organization no longer represents the employers in the bargaining unit.

- (2) Any of the employers in the bargaining unit defined <sup>Idem</sup> in a collective agreement between an accredited employers' organization and a trade union or council of trade unions, as the case may be, may apply to the Board only during the last two months of its operation for a declaration that the accredited employers' organization no longer represents the employers in the unit of employers.
- (3) Upon an application under subsection 1 or 2, the Board shall ascertain, <sup>Deter-  
mination by  
Board</sup>
  - (a) the number of employers in the unit of employers on the date of the making of the application;
  - (b) the number of employers in the unit of employers who, within the two-month period immediately preceding the date of making of the application, have voluntarily signified in writing that they no longer wish to be represented by the accredited employers' organization; and
  - (c) the number of employees affected by the application of employers in the unit of employers on the payroll of each such employer for the weekly payroll period immediately preceding the date of the making of the application or if, in the opinion of the Board, such payroll period is unsatisfactory for any one or more of the employers in clause *a*, such other weekly payroll period for any one or more of the said employers as the Board considers advisable.
- (4) If the Board is satisfied, <sup>Declaration  
by Board</sup>
  - (a) that a majority of the employers in clause *a* of subsection 3 has voluntarily signified in writing that they no longer wish to be represented by the accredited employers' organization; and



- (b) that such majority of employers employed a majority of the employees in clause c of subsection 3,

the Board shall declare that the employers' organization that was accredited or that was or is a party to the collective agreement, as the case may be, no longer represents the employers in the unit of employers.

Declaration  
of termina-  
tion on  
abandon-  
ment

- (5) Upon an application under subsections 1 or 2, when the employers' organization informs the Board that it does not desire to continue to represent the employers in the unit of employers, the Board may declare that the employers' organization no longer represents the employers in the unit.

Effect of  
declaration

- (6) Upon the Board making a declaration under subsection 4 or 5,

(a) any collective agreement in operation between the trade union or council of trade unions and the employers' organization that is binding upon the employers in the unit of employers ceases to operate forthwith;

(b) all rights, duties and obligations under this Act of the employers' organization revert *mutatis mutandis* to the individual employers represented by the employers' organization; and

(c) the trade union or council of trade unions, as the case may be, is entitled to give to any employer in the unit of employers a written notice of its desire to bargain with a view to making a collective agreement, and such notice has the same effect as a notice under section 11.

Individual  
bargaining  
prohibited

- 103.—(1) No trade union or council of trade unions that has bargaining rights for employees of employers represented by an accredited employers' organization and no such employer or person acting on behalf of such employer, trade union or council of trade unions shall, so long as the accredited employers' organization continues to be entitled to represent the employers in a unit of employers, bargain with each other with respect to such employees or enter

into a collective agreement designed or intended to be binding upon such employees and if any such agreement is entered into it is void.

- (2) No trade union or council of trade unions that has bargaining rights for employees of employers represented by an accredited employers' organization and no such employer or person acting on behalf of the employer, trade union or council of trade unions shall, so long as the accredited employers' organization continues to be entitled to represent the employers in a unit of employers, enter into any agreement or understanding, oral or written, which provides for the supply of employees during a legal strike or lock-out, and if any such agreement or understanding is entered into it is void and no such trade union or council of trade unions or person shall supply such employees to the employer. Agreements to provide employees during lawful strike or lock-out prohibited
- (3) Nothing in this Act prohibits an employer, represented by an accredited employers' organization, from continuing or attempting to continue his operations during a strike or lock-out involving employees of employers represented by the accredited employers' organization. Saving
104. An accredited employers' organization, so long as it continues to be entitled to represent employers in a unit of employers, shall not act in a manner that is arbitrary, discriminatory or in bad faith in the representation of any of the employers in the unit, whether members of the accredited employers' organization or not. Duty of fair representation by employers' organization
105. Membership in an accredited employers' organization shall not be denied or terminated except for cause which, in the opinion of the Board, is fair and reasonable. Membership in employers' organization
106. An accredited employers' organization shall not charge, levy or prescribe initiation fees, dues or assessments which, in the opinion of the Board, are unreasonable or discriminatory. Fees
- 107.—(1) Where on the complaint of an interested person, trade union, council of trade unions or employers' organization the Board is satisfied that a trade union or council of trade unions called or authorized or threatened to call or authorize an unlawful strike or that an officer, official or agent of a trade union or council of trade unions counselled or procured or supported or encouraged an unlawful Direction by Board re unlawful strike

strike or threatened an unlawful strike, or that employees engaged in or threatened to engage in an unlawful strike, it may direct what action if any a person, employee, employer, employers' organization, trade union or council of trade unions and their officers, officials or agents shall do or refrain from doing with respect to the unlawful strike or the threat of an unlawful strike.

Direction by  
Board re  
unlawful  
lock-out

- (2) Where on the complaint of an interested person, trade union, council of trade unions or employers' organization the Board is satisfied that an employer or employers' organization called or authorized or threatened to call or authorize an unlawful lock-out or locked out or threatened to lock out employees or that an officer, official or agent of an employer or employers' organization counselled or procured or supported or encouraged an unlawful lock-out or threatened an unlawful lock-out, it may direct what action if any a person, employee, employer, employers' organization, trade union or council of trade unions and their officers, officials or agents shall do or refrain from doing with respect to the unlawful lock-out or the threat of an unlawful lock-out.

Enforcement  
of direction  
by S.C.O.

- (3) The Board shall file in the office of the Registrar of the Supreme Court a copy of a direction made under this section, exclusive of the reasons therefor, in the prescribed form, whereupon the direction shall be entered in the same way as a judgment or order of that court.

Designation  
of  
jurisdictional  
representa-  
tive

- 108.—(1) Every trade union, council of trade unions, employer and employers' organization in the construction industry shall, on or before the 1st day of October, 1970, or within fifteen days after it has entered into a collective agreement, whichever is later, file with the Board a notice in the prescribed form giving the name and address of a person resident in Ontario who is authorized by the trade union, employer or employers' organization to act as a designated jurisdictional representative in the event of a dispute as to the assignment of work.

Idem

- (2) Whenever a trade union, employer or unincorporated employers' organization changes the authorization referred to in subsection 1 it shall file with the Board notice thereof in the prescribed form within fifteen days after making such change.

- (3) Where a trade union, employer or employers' <sup>Idem</sup> organization files a complaint under subsection 1 of section 66 and it has not complied with subsection 1 or 2, it shall file the required notice with the complaint.

**42.**—(1) This Act, except section 15 and subsection 3 of <sup>Commence-</sup> section 30, comes into force on a day to be named by the <sup>ment</sup> Lieutenant Governor by his proclamation.

- (2) Section 15 comes into force on the 1st day of July, 1971. <sup>Idem</sup>

- (3) Subsection 3 of section 30 comes into force on the 1st <sup>Idem</sup> day of October, 1970.

**43.** This Act may be cited as *The Labour Relations Amend-* <sup>Short title</sup> *ment Act, 1970 (No. 2).*







An Act to amend  
The Labour Relations Act

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*1st Reading*

June 22nd, 1970

*2nd Reading*

*3rd Reading*

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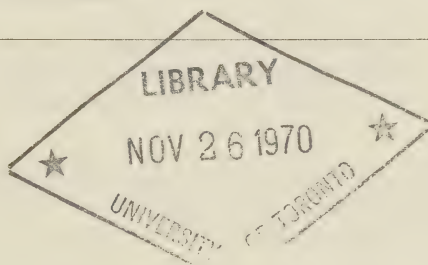
MR. BATES

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3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

**An Act to amend The Labour Relations Act**

MR. BALES



*(Reprinted as amended by the Labour Committee)*

#### EXPLANATORY NOTES

SECTION 1. The purpose of the amendment is to provide a statement endorsing the principle of collective bargaining.

SECTION 2—Subsections 1 and 2. Complementary to section 41 of the Bill.

BILL 167

1970

## An Act to amend The Labour Relations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Labour Relations Act* is amended by adding thereto the following preamble: R.S.O. 1960,  
c. 202,  
amended

WHEREAS it is in the public interest of the Province of Ontario to further harmonious relations between employers and employees by encouraging the practice and procedure of collective bargaining between employers and trade unions as the freely designated representatives of employees.

2.—(1) Subsection 1 of section 1 of *The Labour Relations Act* is amended by relettering clause *a* as clause *aa* and by adding thereto the following clause: R.S.O. 1960,  
c. 202,  
s. 1, subs. 1,  
amended

(a) “accredited employers’ organization” means an organization of employers that is accredited under this Act as the bargaining agent for a unit of employers.

(2) Clause *f* of subsection 1 of the said section 1 is amended by adding at the end thereof “and includes an accredited employers’ organization”, so that the clause shall read as follows: R.S.O. 1960,  
c. 202,  
s. 1, subs. 1,  
cl. *f*,  
amended

(f) “employers’ organization” means an organization of employers formed for purposes that include the regulation of relations between employers and employees and includes an accredited employers’ organization.

(3) Subsection 1 of the said section 1 is further amended by adding thereto the following clause: R.S.O. 1960,  
c. 202, s. 1,  
subs. 1,  
amended

(ha) “professional engineer” means an employee who is a member of the engineering profession entitled to practise in Ontario and employed in a professional capacity.

R.S.O. 1960, c. 202, s. 1, subs. 3, amended (4) Subsection 3 of the said section 1, as amended by subsection 2 of section 1 of *The Labour Relations Amendment Act, 1961-62*, is further amended by inserting at the commencement thereof "Subject to section 65a", so that the subsection, exclusive of the clauses, shall read as follows:

Idem

- (3) Subject to section 65a, for the purposes of this Act no person shall be deemed to be an employee,

. . . . .

R.S.O. 1960, c. 202, s. 1, subs. 3, cl. a, amended (5) Clause a of subsection 3 of the said section 1, as amended by subsection 2 of section 1 of *The Labour Relations Amendment Act, 1961-62* is further amended by striking out "engineering" in the first and second lines, so that the clause shall read as follows:

- (a) who is a member of the architectural, dental, land surveying, legal or medical profession entitled to practise in Ontario and employed in a professional capacity; or

. . . . .

R.S.O. 1960, c. 202, s. 1, amended (6) The said section 1 is amended by adding thereto the following subsection:

Idem

- (4) Where, in the opinion of the Board, associated or related activities or businesses are carried on by or through more than one corporation, individual, firm, syndicate or association, or any combination thereof, under common control or direction, the Board may treat the corporations, individuals, firms, syndicates or associations or any combination thereof as constituting one employer for the purposes of this Act.

R.S.O. 1960, c. 202, s. 5, amended **3.** Section 5 of *The Labour Relations Act*, as amended by section 2 of *The Labour Relations Amendment Act, 1966*, is further amended by adding thereto the following subsection:

Idem

- (1b) Where an employer and a trade union agree that the employer recognizes the trade union as the exclusive bargaining agent of the employees in a defined bargaining unit and the agreement is in writing signed by the parties and the parties have not entered into a collective agreement and the Board has not made a declaration under section 45a, another trade union may, subject to section 46, apply to the Board for certification as bargaining agent of any of the employees in the bargaining unit

Subsection 4. Complementary to section 29 of the Bill.

Subsection 6. Self-explanatory.

SECTION 3. The amendment makes provision for limited protection of voluntary recognition from certification proceedings.



SECTION 4. The Board is given the discretion to exempt mixed crews from normal craft bargaining units.

SECTIONS 5 and 6. The membership percentage for outright certification is changed from 55 per cent to 65 per cent and the requirement for a vote is lowered from 45 per cent to 35 per cent. The vote required is changed from 50 per cent of those eligible to 50 per cent of the ballots cast.

defined in the recognition agreement only after the expiration of one year from the date that the recognition agreement was entered into.

4.—(1) Subsection 2 of section 6 of *The Labour Relations Act* is amended by adding at the end thereof “or where the group of employees is exercising a combination of technical skills or is required to perform the skills in whole or in part of more than one craft as part of a work crew or team, the other members of which are also required to perform in similar fashion”, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 202, s. 6,  
subs. 2,  
amended

- (2) Any group of employees who exercise technical skills or who are members of a craft by reason of which they are distinguishable from the other employees and commonly bargain separately and apart from other employees through a trade union that according to established trade union practice pertains to such skills or craft shall be deemed by the Board to be a unit appropriate for collective bargaining if the application is made by a trade union pertaining to such skills or craft, and the Board may include in such unit persons who according to established trade union practice are commonly associated in their work and bargaining with such group, but the Board shall not be required to apply this subsection where the group of employees is included in a bargaining unit represented by another bargaining agent at the time the application is made, or where the group of employees is exercising a combination of technical skills or is required to perform the skills in whole or in part of more than one craft as part of a work crew or team, the other members of which are also required to perform in similar fashion.

Craft units



(2) The said section 6 is amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 202, s. 6,  
amended

- (3) A bargaining unit consisting solely of professional engineers shall be deemed by the Board to be a unit of employees appropriate for collective bargaining, but, the Board may include professional engineers in a bargaining unit with other employees if the Board is satisfied that a majority of such professional engineers wish to be included in such bargaining unit.

Unit of  
professional  
engineers



5.—(1) Subsection 2 of section 7 of *The Labour Relations Act* is amended by striking out “45” in the first line and inserting in lieu thereof “35”, and by striking out “55” in

R.S.O. 1960,  
c. 202, s. 7,  
subs. 2,  
amended

the second line and in the fourth line and inserting in lieu thereof in each instance "65", so that the subsection shall read as follows:

Representa-  
tion vote

- (2) If the Board is satisfied that not less than 35 per cent and not more than 65 per cent of the employees in the bargaining unit are members of the trade union, the Board shall, and if the Board is satisfied that more than 65 per cent of such employees are members of the trade union, the Board may, direct that a representation vote be taken.

R.S.O. 1960,  
c. 202, s. 7,  
subs. 3,  
re-enacted,  
subs. 4,  
repealed

- (2) Subsections 3 and 4 of the said section 7 are repealed and the following substituted therefor:

Certification  
after vote

- (3) If on the taking of a representation vote more than 50 per cent of the ballots cast are cast in favour of the trade union, and in other cases, if the Board is satisfied that more than 65 per cent of the employees in the bargaining unit are members of the trade union, the Board shall certify the trade union as the bargaining agent of the employees in the bargaining unit.

Application  
of section

- (3) This section does not apply in respect of applications for certification made before this section comes into force.

R.S.O. 1960,  
c. 202, s. 8,  
subs. 2,  
amended

- 6.—(1) Subsection 2 of section 8 of *The Labour Relations Act* is amended by striking out "45" in the fourth line and inserting in lieu thereof "35", so that the subsection shall read as follows:

Voting  
constituency

- (2) Upon such a request being made, the Board may determine a voting constituency and, if it appears to the Board on an examination of the records of the trade union and the records of the employer that not less than 35 per cent of the employees in the voting constituency were members of the trade union at the time the application was made, the Board may direct that a representation vote be taken among the employees in the voting constituency.

R.S.O. 1960,  
c. 202, s. 8,  
subs. 4,  
amended

- (2) Subsection 4 of the said section 8 is amended by striking out "45" in the fourth line and inserting in lieu thereof "35", so that the subsection shall read as follows:

Effect of  
pre-hearing  
vote

- (4) After a representation vote has been taken under subsection 2, the Board shall determine the unit of employees that is appropriate for collective bargaining and, if it is satisfied that not less than 35



SECTION 7. The amendment provides for access to employees' living area for organizational purposes where the living area is under the control of the employer.

SECTION 8. The amendment removes any doubt that the present section 9 includes security guards provided under contract.

SECTION 9. The Minister of Labour is empowered to appoint an industrial inquiry commission to investigate particular labour disputes or problems.

per cent of the employees in such bargaining unit were members of the trade union at the time the application was made, the representation vote taken under subsection 2 has the same effect as a representation vote taken under subsection 2 of section 7.

(3) This section does not apply in respect of applications for certification made before this section comes into force. Application of section

**7.** *The Labour Relations Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 202,  
amended

8b. Where employees of an employer reside on the property of the employer, or on property to which the employer has the right to control access, the employer shall, upon a direction from the Board, allow the representative of a trade union access to the property on which the employees reside for the purpose of attempting to persuade the employees to join a trade union. Right of access

**8.** Section 9 of *The Labour Relations Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 202, s. 9,  
re-enacted

9. The Board shall not include in a bargaining unit with other employees a person employed as a guard to protect the property of an employer, and no trade union shall be certified as bargaining agent for a bargaining unit of such guards and no employer or employers' organization shall be required to bargain with a trade union on behalf of any person who is a guard if, in either case, the trade union admits to membership or is chartered by, or is affiliated, directly or indirectly, with an organization that admits to membership persons other than guards. Security guards

**9.** *The Labour Relations Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 202,  
amended

31a—(1) The Minister may establish an industrial inquiry commission to inquire into and report to the Minister on any industrial matter or dispute that the Minister considers advisable. Industrial inquiry commission

(2) The industrial inquiry commission shall consist of one or more members appointed by the Minister and the commission shall have all the powers of a conciliation board under section 28. Composition and powers

(3) The chairman and members of the commission shall be paid remuneration and expenses at the same rate Remuneration and expenses



as is payable to a chairman and members of a conciliation board under this Act.

R.S.O. 1960,  
c. 202, s. 32,  
amended

**10.**—(1) Section 32 of *The Labour Relations Act* is amended by adding thereto the following subsection:

Recognition  
of  
accredited  
employers'  
organization

(1a) Every collective agreement to which an accredited employers' organization is a party shall provide that the accredited employers' organization is recognized as the exclusive bargaining agent of the employers in the unit of employers for whom the employers' organization has been accredited.

R.S.O. 1960,  
c. 202, s. 32,  
subs. 2,  
amended

(2) Subsection 2 of the said section 32 is amended by inserting after "1" in the second line "or 1a", so that the subsection shall read as follows:

Addition  
by Board

(2) If a collective agreement does not contain such a provision as is mentioned in subsection 1 or 1a, it may be added to the agreement at any time by the Board upon the application of either party.

R.S.O. 1960,  
c. 202, s. 33,  
subs. 2,  
re-enacted

**11.** Subsection 2 of section 33 of *The Labour Relations Act* is repealed and the following substituted therefor:

Statutory  
provision

(2) If a collective agreement does not contain such a provision as is mentioned in subsection 1, it shall be deemed to contain the following provision:

"There shall be no strikes or lock-outs so long as this agreement continues to operate."

R.S.O. 1960,  
c. 202, s. 34,  
subs. 2,  
amended

**12.**—(1) Subsection 2 of section 34 of *The Labour Relations Act* is amended by adding after "employee" in the twenty-third line "or employer", so that the subsection shall read as follows:

Idem

(2) If a collective agreement does not contain such a provision as is mentioned in subsection 1, it shall be deemed to contain the following provision:

Where a difference arises between the parties relating to the interpretation, application or administration of this agreement, including any question as to whether a matter is arbitrable, or where an allegation is made that this agreement has been violated, either of the parties may, after exhausting any grievance procedure established by this agreement, notify the other party in writing of its desire to submit the difference or allegation to arbitration and the notice shall contain the name of the first party's appointee to an arbitration board. The recipient of the notice shall within five days inform the other party of the name of its appointee to the arbitration board. The two appointees so selected shall, within five days of

SECTION 10. Complementary to section 41 of this Bill.

SECTION 11. The no-strike no-lock-out provision is included in all collective agreements.

SECTION 12—Subsection 1. Complementary to section 41 of this Bill.

Subsection 2. The amendment permits an arbitrator to exercise equity in reviewing a penalty imposed on an employee for cause under a collective agreement.

SECTION 13—Subsection 1. The amendment increases the protection given to individual employees from the operation of union security provisions and the primary onus for compliance is changed from the employer to the trade union.

the appointment of the second of them, appoint a third person who shall be the chairman. If the recipient of the notice fails to appoint an arbitrator, or if the two appointees fail to agree upon a chairman within the time limited, the appointment shall be made by the Minister of Labour for Ontario upon the request of either party. The arbitration board shall hear and determine the difference or allegation and shall issue a decision and the decision is final and binding upon the parties and upon any employee or employer affected by it. The decision of a majority is the decision of the arbitration board, but if there is no majority the decision of the chairman governs.

(2) The said section 34 is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 202, s. 34,  
amended

(7a) Where an arbitrator or arbitration board determines that an employee has been discharged or otherwise disciplined by an employer for cause and the collective agreement does not contain a specific penalty for the infraction that is the subject-matter of the arbitration, the arbitrator or arbitration board may substitute such other penalty for the discharge or discipline as to the arbitrator or arbitration board seems just and reasonable in all the circumstances. Substitution  
of penalty

(3) Subsection 2 applies to arbitrations commenced after subsection 2 comes into force and to arbitrations commenced before subsection 2 comes into force and in respect of which the arbitrator or arbitration board has heard no evidence, notwithstanding that the collective agreement under which the arbitration was commenced was entered into before subsection 2 comes into force. Application  
of subs. 2

**13.—**(1) Subsection 2 of section 35 of *The Labour Relations Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 202, s. 35,  
subs. 2,  
re-enacted

(2) No trade union that is a party to a collective agreement containing a provision mentioned in clause *a* of subsection 1 shall require the employer to discharge an employee because, Where  
non-member  
employee  
cannot be  
required to  
be  
discharged

(a) he has been expelled or suspended from membership in the trade union; or

(b) membership in the trade union has been denied to or withheld from the employee,

for the reason that the employee,

(c) was or is a member of another trade union;

- (d) has engaged in activity against the trade union or on behalf of another trade union;
- (e) has engaged in reasonable dissent within the trade union;
- (f) has been discriminated against by the trade union in the application of its membership rules; or
- (g) has been required to pay initiation fees, dues or other assessments to the trade union which are unreasonable.

R.S.O. 1960,  
c. 202, s. 35,  
subs. 4,  
amended

(2) Subsection 4 of the said section 35 is amended by striking out "55" in the sixth line and inserting in lieu thereof "65", so that the subsection, exclusive of the clauses, shall read as follows:

Union  
security  
provision  
in first  
agreement

- (4) A trade union and the employer of the employees concerned shall not enter into a collective agreement that includes provisions requiring, as a condition of employment, membership in the trade union that is a party to or is bound by the agreement unless the trade union has established at the time it entered into the agreement that not less than 65 per cent of the employees in the bargaining unit were members of the trade union, but this subsection does not apply,

. . . . .

R.S.O. 1960,  
c. 202,  
amended

**14.** *The Labour Relations Act* is amended by adding thereto the following section:

Religious  
objections

35a—(1) Where the Board is satisfied that an employee because of his religious conviction or belief,

- (a) objects to joining a trade union; or
- (b) objects to the paying of dues or other assessments to a trade union,

the Board may order that the provisions of a collective agreement of the type mentioned in clause a of subsection 1 of section 35 do not apply to such employee and that the employee is not required to join the trade union, to be or continue to be a member of the trade union, or to pay any dues, fees or assessments to the trade union, provided that amounts equal to any initiation fees, dues, or other

Subsection 2. The purpose of the amendment is to bring the requirements for union security provisions in a first agreement into line with the corresponding changes in the requirement for outright certification.

SECTION 14. The amendment allows employees who object to joining a trade union because of religious convictions exemption from union security provisions in a collective agreement.



SECTION 15. The provision ensures that there is only one collective agreement at a time for a group of employees.

SECTION 16. The provision ensures the binding effect of collective agreements in multiple bargaining situations.

assessments are paid by the employee to or are remitted by the employer to a charitable organization mutually agreed upon by the employee and the trade union, but if the employee and the trade union fail to so agree then to such charitable organization registered as a charitable organization in Canada under Part I of the *Income Tax Act* (Canada) as may be designated by the Board.



(2) Subsection 1 applies,

R.S.C. 1952,  
c. 148

- (a) subject to clause *b*, to employees in the employ<sup>Application of subs. 1</sup> of an employer at the time a collective agreement containing a provision of the kind mentioned in subsection 1 is first entered into with that employer and only during the life of such collective agreement; and
- (b) where a collective agreement in force when this subsection comes into force contains the provisions mentioned in subsection 1, to employees in the employ of the employer at the time this section comes into force and only during the life of such collective agreement,

and does not apply to employees whose employment commences after the entering into of the collective agreement when clause *a* applies, or after this section comes into force, when clause *b* applies.



**15.** *The Labour Relations Act* is amended by adding thereto the following section:

R.S.O. 1960,  
c. 202,  
amended

- 36a. There shall be only one collective agreement at a time between a trade union or council of trade unions and an employer or employers' organization with respect to the employees in the bargaining unit defined in the collective agreement.

More than one collective agreement prohibited

**16.**—(1) Subsection 1 of section 38 of *The Labour Relations Act*, as amended by section 3 of *The Labour Relations Amendment Act*, 1961-62, is further amended by inserting after "upon" in the third line "the employers' organization and" and by inserting after "unions" in the third instance in the amendment of 1961-62 "and upon the employees in the bargaining unit defined in the agreement", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 202, s. 38,  
subs. 1,  
amended

Binding  
effect of  
collective  
agreements  
on  
employers'  
organizations

- (1) A collective agreement between an employers' organization and a trade union or council of trade unions is, subject to and for the purposes of this Act, binding upon the employers' organization and each person who was a member of the employers' organization at the time the agreement was entered into and on whose behalf the employers' organization bargained with the trade union or council of trade unions as if it was made between each of such persons and the trade union or council of trade unions and upon the employees in the bargaining unit defined in the agreement and, if any such person ceases to be a member of the employers' organization during the term of operation of the agreement, he shall, for the remainder of the term of operation of the agreement, be deemed to be a party to a like agreement with the trade union or council of trade unions.

R.S.O. 1960,  
c. 202, s. 38,  
subs. 3,  
amended

- (2) Subsection 3 of the said section 38, as amended by subsection 2 of section 12 of *The Labour Relations Amendment Act, 1966*, is further amended by inserting after "upon" in the third line "the council of trade unions and", and by inserting after "organization" in the eighth and ninth lines "and upon the employees in the bargaining unit defined in the agreement", so that the subsection shall read as follows:

Binding  
effect of  
collective  
agreements  
on members  
or affiliates  
of councils  
of trade  
unions

- (3) A collective agreement between a council of trade unions, other than a certified council of trade unions, and an employer or an employers' organization is, subject to and for the purposes of this Act, binding upon the council of trade unions and each trade union that was a member of or affiliated with the council of trade unions at the time the agreement was entered into and on whose behalf the council of trade unions bargained with the employer or employers' organization as if it was made between each of such trade unions and the employer or employers' organization, and upon the employees in the bargaining unit defined in the agreement, and, if any such trade union ceases to be a member of or affiliated with the council of trade unions during the term of operation of the agreement, it shall, for the remainder of the term of operation of the agreement, be deemed to be a party to a like agreement with the employer or employers' organization, as the case may be.

R.S.O. 1960,  
c. 202, s. 40,  
subs. 1,  
amended

- 17.** Subsection 1 of section 40 of *The Labour Relations Act* is amended by striking out "two months" in the second line and inserting in lieu thereof "ninety days", so that the subsection shall read as follows:

SECTION 17. The amendment allows the parties to a collective agreement to open bargaining for a new agreement at an earlier date.

SECTION 18. The provision repealed provides that on the dissolution of a certified council of trade unions or withdrawal of a constituent trade union, the council and its member unions cease to represent employees.

SECTION 19. The amendment reduces the requirements for bringing an application for termination of bargaining rights from 50 per cent to 35 per cent, in line with the requirements for a vote in sections 5 and 6 of this Bill.

SECTION 20. The amendment allows employees to question the representative character of a trade union that has made a voluntary recognition agreement.

- (1) Either party to a collective agreement may, within the period of ninety days before the agreement ceases to operate, give notice in writing to the other party of its desire to bargain with a view to the renewal, with or without modifications, of the agreement then in operation or to the making of a new agreement.

Notice of  
desire to  
bargain  
for new  
collective  
agreement

**18.** Subsection 3 of section 41a of *The Labour Relations Act*, as enacted by section 14 of *The Labour Relations Amendment Act, 1966*, is repealed.

R.S.O. 1960,  
c. 202,  
s. 41a,  
(1966 c. 76,  
s. 14),  
subs. 3,  
repealed

**19.**—(1) Subsection 4 of section 43 of *The Labour Relations Act* is amended by striking out “of all those eligible to vote” in the second line and inserting in lieu thereof “cast”, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 202, s. 43,  
subs. 4,  
amended

- (4) If on the taking of the representation vote more than 50 per cent of the ballots cast are cast in opposition to the trade union, the Board shall declare that the trade union that was certified or that was or is a party to the collective agreement, as the case may be, no longer represents the employees in the bargaining unit.

Declaration  
of  
termination  
following  
vote

(2) Subsection 1 does not apply in respect of applications for the termination of bargaining rights made before this section comes into force.

Application  
of subs. 1

- (3) Subsection 5 of the said section 43 is repealed.

R.S.O. 1960,  
c. 202, s. 43,  
subs. 5,  
repealed

**20.**—(1) Subsection 1 of section 45a of *The Labour Relations Act*, as enacted by section 5 of *The Labour Relations Amendment Act, 1964*, is amended by inserting after “agreement” in the fourth line “or a recognition agreement as provided for in subsection 3 of section 13” and by inserting after “operation” in the ninth line “or, if no collective agreement has been entered into within one year from the signing of such recognition agreement”, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 202,  
s. 45a,  
(1964,  
c. 53, s. 5),  
subs. 1,  
amended

- 45a.**—(1) Where an employer and a trade union that has not been certified as the bargaining agent for a bargaining unit of employees of the employer enter into a collective agreement, or a recognition agreement as provided for in subsection 3 of section 13, the Board may, upon the application of any employee in the bargaining unit or of a trade union representing

Termination  
of bargain-  
ing rights  
after  
voluntary  
recognition



any employee in the bargaining unit, during the first year of the period of time that the first collective agreement between them is in operation or, if no collective agreement has been entered into, within one year from the signing of such recognition agreement, declare that the trade union was not, at the time the agreement was entered into, entitled to represent the employees in the bargaining unit.

R.S.O. 1960,  
c. 202,  
s. 45a,  
(1964, c. 53,  
s. 5),  
subs. 4,  
re-enacted

(2) Subsection 4 of the said section 45a is repealed and the following substituted therefor:

- (4) Upon the Board making a declaration under subsection 1, the trade union forthwith ceases to represent the employees in the defined bargaining unit in the recognition agreement or collective agreement and any collective agreement in operation between the trade union and the employer ceases to operate forthwith in respect of the employees affected by the application.

R.S.O. 1960,  
c. 202, s. 46,  
amended

**21.** Section 46 of *The Labour Relations Act* is amended by adding thereto the following subsection:

Application  
of sub-  
sections 1  
and 3

- (4) Subsections 1 and 3 apply *mutatis mutandis* to an application made under subsection 1b of section 5.

R.S.O. 1960,  
c. 202,  
s. 47a,  
(1962-63,  
c. 70, s. 1),  
re-enacted

**22.**—(1) Section 47a of *The Labour Relations Act*, as re-enacted by section 1 of *The Labour Relations Amendment Act, 1962-63* and amended by section 18 of *The Labour Relations Amendment Act, 1966*, is repealed and the following substituted therefor:

Interpre-  
tation

47a.—(1) In this section,

- (a) “business” includes a part or parts thereof;
- (b) “sells” includes leases, transfers and any other manner of disposition, and “sold” and “sale” have corresponding meanings.

Successor  
employer

- (2) Where an employer who is bound by or is a party to a collective agreement with a trade union or council of trade unions sells his business, the person to whom the business has been sold is, until the Board otherwise declares, bound by the collective agreement as if he had been a party thereto and, where an employer sells his business while an application for certification or termination of bargaining rights to which he is a party is before the Board, the person to whom the

SECTION 21. Complementary to section 3 of this Bill.

SECTION 22. Under the present section 47*a* of the Act, upon the sale of a business, the bargaining rights continue in respect of the new owner. The new section provides that the new owner is bound by the existing agreements.



business has been sold is, until the Board otherwise declares, the employer for the purposes of the application as if he were named as the employer in the application.

- (3) Where an employer on behalf of whose employees a <sup>Idem</sup> trade union or council of trade unions, as the case may be, has been certified as bargaining agent or has given or is entitled to give notice under section 11, sells his business, the trade union or council or trade unions continues, until the Board otherwise declares, to be the bargaining agent for the employees of the person to whom the business was sold in the like bargaining unit in that business, and the trade union or council of trade unions is entitled to give to the person to whom the business was sold a written notice of its desire to bargain with a view to making a collective agreement and such notice has the same effect as a notice under section 11.
- (4) Where a business was sold to a person and a trade union or council of trade unions was the bargaining agent of any of the employees in such business or a trade union or council of trade unions is the bargaining agent of the employees in any business carried on by the person to whom the business was sold, and,
  - (a) any question arises as to what constitutes the like bargaining unit referred to in subsection 3; or
  - (b) any person, trade union or council of trade unions claims that, by virtue of the operation of subsections 2 or 3, a conflict exists between the bargaining rights of the trade union or council of trade unions that represented the employees of the predecessor employer and the trade union or council of trade unions that represents the employees of the person to whom the business was sold,

the Board may, upon the application of any person, trade union or council of trade unions concerned,

  - (c) define the composition of the like bargaining unit referred to in subsection 3 with such modification, if any, as the Board deems necessary; and
  - (d) amend, to such extent as the Board deems necessary, any bargaining unit in any certi-

ificate issued to any trade union or any bargaining unit defined in any collective agreement.

Idem

- (5) The Board may, upon the application of any person, trade union or council of trade unions concerned, made within sixty days after the successor employer referred to in subsection 2 becomes bound by the collective agreement, or within sixty days after the trade union or council of trade unions has given a notice under subsection 3, terminate the bargaining rights of the trade union or council of trade unions bound by the collective agreement or that has given notice, as the case may be, if, in the opinion of the Board, the person to whom the business was sold has changed its character so that it is substantially different from the business of the predecessor employer.

Idem

- (6) Notwithstanding subsections 2 and 3, where a business was sold to a person who carries on one or more other businesses and a trade union or council of trade unions is the bargaining agent of the employees in any of the businesses and such person intermingles the employees of one of the businesses with those of another of the businesses, the Board may, upon the application of any person, trade union or council of trade unions concerned,

- (a) declare that the person to whom the business was sold is no longer bound by the collective agreement referred to in subsection 2;

- (b) determine whether the employees concerned constitute one or more appropriate bargaining units;

- (c) declare which trade union, trade unions or council of trade unions, if any, shall be the bargaining agent or agents for the employees in such unit or units; and

- (d) amend, to such extent as the Board deems necessary, any certificate issued to any trade union or council of trade unions or any bargaining unit defined in any collective agreement.

Notice to  
bargain

- (7) Where a trade union or council of trade unions is declared to be the bargaining agent under subsection

6 and it is not already bound by a collective agreement with the successor employer with respect to the employees for whom it is declared to be the bargaining agent, it is entitled to give to the employer a written notice of its desire to bargain with a view to making a collective agreement, and such notice has the same effect as a notice under section 11.

- (8) Before disposing of any application under this section, the Board may make such inquiry, may require the production of such evidence and the doing of such things, or may hold such representation votes, as it deems appropriate. Powers of Board before disposing of application
- (9) Where an application is made under this section, an employer is not required, notwithstanding that a notice has been given by a trade union or council of trade unions, to bargain with that trade union or council of trade unions concerning the employees to whom the application relates until the Board has disposed of the application and has declared which trade union or council of trade unions, if any, has the right to bargain with the employer on behalf of the employees concerned in the application. Where employer not required to bargain
- (10) For the purposes of sections 5, 43, 45, 46 and 96, a notice given by a trade union or council of trade unions under subsection 3 or a declaration made by the Board under subsection 6 has the same effect as a certification under section 7. Effect of notice or declaration
- (11) Where one or more municipalities as defined in *The Department of Municipal Affairs Act* is erected into another municipality, or two or more such municipalities are amalgamated, united or otherwise joined together, or all or part of one such municipality is annexed, attached or added to another such municipality, the employees of the municipalities concerned shall be deemed to have been intermingled, and, Successor municipalities R.S.O. 1960, c. 98
- (a) the Board may exercise the like powers as it may exercise under subsections 6 and 8 with respect to the sale of a business under this section;
- (b) the new or enlarged municipality has the like rights and obligations as a person to whom a business is sold under this section and who intermingles the employees of one of his



businesses with those of another of his businesses; and

- (c) any trade union or council of trade unions concerned has the like rights and obligations as it would have in the case of the intermingling of employees in two or more businesses under this section.

Power of Board to determine whether sale

- (12) Where, on any application under this section or in any other proceeding before the Board, a question arises as to whether a business has been sold by one employer to another, the Board shall determine the question and its decision thereon is final and conclusive for the purposes of this Act.

Application of subs. 1

- (2) Subsection 1 does not apply in respect of the sale of a business before the day on which this section comes into force and where a question arises as to whether a business has been sold by one employer to another for the purposes of this subsection, the Board shall determine the question and its decision thereon is final and conclusive.

R.S.O. 1960, c. 202, amended

- 23.** *The Labour Relations Act* is amended by adding thereto the following section:

Duty of fair representation by trade union, etc.

- 51a. A trade union, or council of trade unions so long as it continues to be entitled to represent employees in a bargaining unit, shall not act in a manner that is arbitrary, discriminatory or in bad faith in the representation of any of the employees in the unit, whether or not members of the trade union or of any constituent union of the council of trade unions, as the case may be.

R.S.O. 1960, c. 202, s. 54, subs. 3, re-enacted

- 24.** Subsection 3 of section 54 of *The Labour Relations Act*, is repealed and the following substituted therefor:

Threatening strike or lock-out

- (3) No employee shall threaten an unlawful strike and no employer shall threaten an unlawful lock-out of an employee.

Strike or ratification vote to be secret

- (4) A strike vote or a vote to ratify a proposed collective agreement taken by a trade union shall be by ballots cast in such a manner that a person expressing his choice cannot be identified with the choice expressed.

Opportunity to vote

- (5) Any vote mentioned in subsection 4 shall be conducted in such a manner that those entitled to vote have ample opportunity to cast their ballots.

SECTION 23. The new provision introduces a duty of fair representation on a trade union. The corresponding requirement in respect of an accredited employers' organization is included in section 41 of the Bill.

SECTIONS 24 and 26. Threatening an unlawful strike or unlawful lock-out is made an unfair labour practice.

The amendment also requires that a certification vote as well as a strike vote be by secret ballot and that those entitled to vote have ample opportunity to do so.

SECTION 25. The amendment provides that employees who have engaged in a strike have the right to reinstatement during the first six months of a strike.



SECTION 27. The new provision makes it an unfair labour practice for an employer to alter working conditions once a union has applied for certification. At present this is an unfair practice only after a trade union has been certified.

**25.** *The Labour Relations Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 202,  
amended

54a.—(1) Where an employee engaging in a lawful strike makes an unconditional application in writing to his employer within six months from the commencement of the lawful strike to return to work, the employer shall, subject to subsection 2, reinstate the employee in his former employment, on such terms as the employer and employee may agree upon, and the employer in offering terms of employment shall not discriminate against the employee by reason of his exercising or having exercised any rights under this Act. Reinstatement of  
employee

(2) An employer is not required to reinstate an employee who has made an application to return to work in accordance with subsection 1, Exceptions

(a) where the employer no longer has persons engaged in performing work of the same or similar nature to work which the employee performed prior to his cessation of work; or

(b) where there has been a suspension or discontinuance for cause of an employer's operations, or any part thereof but if the employer resumes such operations, the employer shall first reinstate those employees who have made an application under subsection 1.

**26.** Sections 55 and 56 of *The Labour Relations Act* are repealed and the following substituted therefor: R.S.O. 1960,  
c. 202,  
ss 55, 56,  
re-enacted

55. No trade union or council of trade unions shall call or authorize or threaten to call or authorize an unlawful strike and no officer, official or agent of a trade union or council of trade unions shall council, procure, support or encourage an unlawful strike or threaten an unlawful strike. Unlawful  
strike

56. No employer or employers' organization shall call or authorize or threaten to call or authorize an unlawful lock-out and no officer, official or agent of an employer or employers' organization shall counsel, procure, support or encourage an unlawful lock-out or threaten an unlawful lock-out. Unlawful  
lock-out

**27.** Section 59 of *The Labour Relations Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 202, s. 59,  
amended

(1a) Where a trade union has applied for certification and notice thereof from the Board has been received Idem

by the employer, no employer shall, except with the consent of the trade union, alter the rights, privileges or duty of the employer or the employees until,

- (a) the trade union has given notice under section 11, in which case subsection 1 applies; or
- (b) the application for certification by the trade union is dismissed or terminated by the Board, or withdrawn by the trade union.

R.S.O. 1960,  
c. 202, s. 65,  
subs. 1  
(1966, c. 76,  
s. 24, subs.  
1), amended

**28.**—(1) Subsection 1 of section 65 of *The Labour Relations Act*, as re-enacted by subsection 1 of section 24 of *The Labour Relations Amendment Act, 1966*, is amended by striking out “or” at the end of clause *a*, by adding “or” at the end of clause *b* and by adding thereto the following clause:

- (c) a trade union, council of trade unions, employer, employers’ organization, person or persons has acted in any way contrary to section 51*a*, clause *b* of subsection 2 of section 59*a*, subsection 1 or 2 of section 103, or section 104, 105 or 106.

R.S.O. 1960,  
c. 202, s. 65,  
subs. 4  
(1966, c. 76,  
s. 24, subs.  
2), cl. *a*,  
amended

(2) Clause *a* of subsection 4 of the said section 65, as re-enacted by subsection 2 of section 24 of *The Labour Relations Amendment Act, 1966* is amended by inserting after “benefits” in the sixteenth line “which compensation may be assessed against the employer, other person or trade union jointly or severally”, so that the clause shall read as follows:

- (a) if the Board is satisfied that the person concerned has been refused employment, discharged, discriminated against, threatened, coerced, intimidated or otherwise dealt with contrary to this Act as to his employment, opportunity for employment or conditions of employment by any employer or other person or a trade union, it shall determine what, if anything, the employer, other person or trade union shall do or refrain from doing with respect thereto, and such determination may include the hiring or reinstatement in employment of the person concerned, with or without compensation or compensation in lieu of hiring or reinstatement for loss of earnings and other employment benefits which compensation may be assessed against the employer, other person or trade union jointly or severally, and the employer, other person or trade union shall, notwithstanding the provisions of any collective agreement, do or abstain from doing anything required of them or any of them by the determination; or

SECTION 28. The amendment modifies the enforcement provisions of the Act to deal with various unfair labour practices introduced by this Bill.





(3) Subsection 4 of the said section 65, as re-enacted by subsection 2 of section 24 of *The Labour Relations Amendment Act, 1966*, is amended by striking out "or" at the end of clause *a*, by adding "or" at the end of clause *b* and by adding thereto the following clause:

R.S.O. 1960.  
c. 202, s. 65.  
subs. 4  
(1966, c. 76.  
s. 24, subs.  
1), amended

- (c) if the Board is satisfied that the trade union, council of trade unions, employer, employers' organization, person or employee concerned has acted contrary to section 51*a*, clause *b* of subsection 2 of section 59*a*, subsection 1 or 2 of section 103 or section 104, 105 or 106, it shall determine what, if anything, the trade union, council of trade unions, employer, employers' organization, person or employee, shall do or refrain from doing with respect thereto, and such determination may include compensation for loss of earnings and other employment benefits and the trade union, council of trade unions, employer, employers' organization, person or employee shall, notwithstanding the provisions of any collective agreement, do or abstain from doing anything required of them or it.

(4) Subsection 5 as re-enacted by subsection 2 of section 8 of *The Labour Relations Amendment Act, 1961-62* and subsection 6 as enacted by subsection 2 of section 8 of *The Labour Relations Amendment Act, 1961-62* of the said section 65 are repealed and the following substituted therefor:

R.S.O. 1960.  
c. 202, s. 65.  
subs. 5, 6  
(1961-62,  
c. 68, s. 8,  
subs. 2),  
re-enacted

- (5) Where the trade union, council of trade unions, employer, employers' organization, person or employee, has failed to comply with any of the terms of the determination, any trade union, council of trade unions, employer, employers' organization, person or employee, affected by the determination may, after the expiration of fourteen days from the date of the release of the determination or the date provided in the determination for compliance, whichever is later, notify the Board in writing of such failure, and thereupon the Board shall file in the office of the Registrar of the Supreme Court a copy of the determination, exclusive of the reasons, if any, therefor, in the prescribed form, whereupon the determination shall be entered in the same way as a judgment or order of that court and is enforceable as such.

Enforcement  
of  
discrimina-  
tion

- (6) Where the matter complained of has been settled, whether through the endeavours of the field officer or otherwise, and the terms of the settlement have been

Effect of  
settlement

put in writing and signed by the parties or their representatives, the settlement is binding upon the parties, the trade union, council of trade unions, employer, employers' organization, person or employee who have agreed to the settlement and shall be complied with according to its terms, and a complaint that the trade union, council of trade unions, employer, employers' organization, person or employee who has agreed to the settlement has not complied with the terms of the settlement shall be deemed to be a complaint under clause *a*, *b* or *c* of subsection 1 as the case may be.

R.S.O. 1960,  
c. 202,  
amended

**29.** *The Labour Relations Act* is amended by adding thereto the following section:

"Person"  
defined for  
purposes of  
ss. 59*a*, and  
65

65*a*. For the purposes of section 59*a* and any complaint made under section 65, "person" includes any person otherwise excluded by subsection 3 of section 1.

R.S.O. 1960,  
c. 202, s. 66  
(1966, c. 76,  
s. 25),  
subs. 1,  
amended

**30.**—(1) Subsection 1 of section 66 of *The Labour Relations Act*, as re-enacted by section 25 of *The Labour Relations Amendment Act, 1966*, is amended by striking out "employees" in the sixth line, the seventh line, the ninth and tenth lines and the eleventh line and inserting in lieu thereof in each instance "persons", and by striking out "employee" in the fifteenth line and inserting in lieu thereof "person", so that the subsection shall read as follows:

Jurisdic-  
tional  
disputes

(1) The Board may inquire into a complaint that a trade union or council of trade unions, or an officer, official or agent of a trade union or council of trade unions, was or is requiring an employer or an employers' organization to assign particular work to persons in a particular trade union or in a particular trade, craft or class rather than to persons in another trade union or in another trade, craft or class, or that an employer was or is assigning work to persons in a particular trade union rather than to persons in another trade union, and it shall direct what action, if any, the employer, the employers' organization, the trade union or the council of trade unions or any officer, official or agent of any of them or any person shall do or refrain from doing with respect to the assignment of work.

R.S.O. 1960,  
c. 202, s. 66  
(1966, c. 76,  
s. 25),  
amended

(2) The said section 66 is amended by adding thereto the following subsection:

Scope of  
Board's  
direction

(1*a*) The Board may in any direction made under subsection 1 provide that it shall be binding on the

SECTION 29. Protection from retaliation is provided for witnesses appearing before the Board even though the witnesses are not otherwise covered by the Act.

SECTION 30—Subsection 1. The amendment gives the Board the power to deal with jurisdictional disputes where the employer does not employ members of both the competing trade unions.

Subsection 2. The amendment authorizes the Board to make decisions of general application to the parties.

Subsections 3, 4 and 5. Machinery is created for the private settlement of jurisdictional disputes.

parties for other jobs then in existence or undertaken in the future in such geographic area as the Board may deem advisable.

- (3) The said section 66 is further amended by adding thereto the following subsections:
- R.S.O. 1960,  
c. 202, s. 66  
(1966, c. 76,  
s. 25),  
amended
- (1b) Where a trade union, council of trade unions, employer or employers' organization referred to in subsection 1 of section 108 files a complaint under subsection 1 and if each party affected by the complaint has designated a jurisdictional representative as provided under section 108, the Registrar or such other person as may be designated by the chairman shall immediately notify the respective designated jurisdictional representatives by telephone and telegram of the filing of the complaint.
- Notice to  
jurisdictional  
representa-  
tives
- (1c) The designated jurisdictional representatives involved shall forthwith meet and endeavour to effect a settlement of the matters complained of and shall report the results of their endeavours to the Board within fourteen days from the day of the filing of the complaint.
- Meeting of  
jurisdictional  
representa-  
tives
- (1d) Where the designated jurisdictional representatives unanimously agree to a settlement of the matter complained of, it shall be reduced to writing, signed by the respective representatives and filed with the Board within the time set by subsection 1c.
- Filing of  
settlement  
with Board
- (1e) Where a settlement is filed with the Board under subsection 1d, the Board, after such consultation with the designated jurisdictional representatives as it deems advisable in order to clarify the terms of the settlement, shall embody the settlement and any agreed to changes necessary for its clarification in the form of a direction under subsection 1 and shall file it in the prescribed form in the office of the Registrar of the Supreme Court, whereupon the direction shall be entered in the same way as a judgment or order of that court.
- Filing of  
settlement  
in S.C.O.
- (1f) Where the designated jurisdictional representatives are notified under subsection 1b, the Board shall not, except as provided in subsection 2, proceed with the inquiry referred to in subsection 1 until the expiry of the fourteen day period referred to in subsection 1c.
- Time of  
inquiry



R.S.O. 1960,  
c. 202, s. 66,  
(1966, c. 76,  
s. 25),  
subs. 7,  
amended

(4) Subsection 7 of the said section 66 is amended by striking out "Notwithstanding subsections 1 and 2" in the first line, so that the subsection shall read as follows:

Postpone-  
ment of  
inquiry

(7) Where a trade union or a council of trade unions and an employer or an employers' organization have made an arrangement to resolve any differences between them arising from the assignment of work, the Board may, upon such terms and conditions as it may fix, postpone inquiring into a complaint under this section until the difference has been dealt with in accordance with such arrangement.



R.S.O. 1960,  
c. 202, s. 66  
(1966, c. 76,  
s. 25),  
subs. 8,  
amended

(5) Subsection 8 of the said section 66 is amended by striking out "No complaint under this section may be" in the first line and inserting in lieu thereof "The Board shall not inquire into a complaint", so that the subsection shall read as follows:

Where no  
complaint  
may be  
made

(8) The Board shall not inquire into a complaint made by a trade union, council of trade unions, employer or employers' organization that has entered into a collective agreement that contains a provision requiring the reference of any difference between them arising out of work assignment to a tribunal mutually selected by them with respect to any difference as to work assignment that can be resolved under the collective agreement, and such trade union, council of trade unions, employer or employers' organization shall do or abstain from doing anything required of it by the decision of such tribunal.



R.S.O. 1960,  
c. 202,  
amended

**31.** *The Labour Relations Act* is amended by adding thereto the following section:

Notice of  
claim for  
damages  
after  
unlawful  
strike or  
lock-out  
where no  
collective  
agreement

68a.—(1) Where the Board declares that a trade union or council of trade unions has called or authorized an unlawful strike or that an employer or employers' organization has called or authorized an unlawful lock-out and no collective agreement is in operation between the trade union or council of trade unions and the employer or employers' organization, as the case may be, the trade union or council of trade unions or employer or employers' organization, may within fifteen days of the release of the Board's declaration, but not thereafter, notify the employer or employers' organization or trade union or council of trade unions, as the case may be, in writing of its intention to claim damages for the unlawful strike or

SECTION 31. The new provision provides for arbitration of damages resulting from an unlawful strike or lock-out where there is no collective agreement between the trade union and employer.

SECTION 32. The maximum penalties for contravention of the Act are increased.

lock-out, and the notice shall contain the name of its appointee to an arbitration board.

- (2) The recipient of the notice shall within five days <sup>Appointment of arbitration board</sup> inform the sender of the notice of the name of its appointee to the arbitration board.
- (3) The two appointees so selected shall, within five <sup>Idem</sup> days of the appointment of the second of them, appoint a third person who shall be the chairman.
- (4) If the recipient of the notice fails to name an ap- <sup>Idem</sup> pointee, or if the two appointees fail to agree upon a chairman within the time limited, the appointment shall be made by the Minister upon the request of either party.
- (5) The arbitration board shall hear and determine the <sup>Decision of arbitration board</sup> claim for damages including any question as to whether the claim is arbitrable and shall issue a decision and the decision is final and binding upon the parties to the arbitration, and,
  - (a) in the case of a council of trade unions, upon the members of affiliates of the council who are affected by the decision; and
  - (b) in the case of an employers' organization, upon the employers in the organization who are affected by the decision.
- (6) The decision of a majority is the decision of the <sup>Idem</sup> arbitration board, but if there is no majority the decision of the chairman governs.
- (7) The chairman and members of the arbitration <sup>Remuneration of members of board</sup> board under this section shall be paid remuneration and expenses at the same rate as is payable to a chairman and members of a conciliation board under this Act, and the parties to the arbitration are jointly and severally liable for the payment of such fees and expenses.
- (8) In an arbitration under this section, subsections 5, <sup>Procedure of board</sup> 6, 7, 9 and 10 of section 34 apply *mutatis mutandis*.

**32.** Clauses *a* and *b* of subsection 1 of section 69 of *The R.S.O. 1960, c. 202, s. 69, subs. 1, cls. a, b, re-enacted* *Labour Relations Act* are repealed and the following substituted therefor:

- (a) if an individual, to a fine of not more than \$1,000; or

- (b) if a corporation, trade union, council of trade unions or employers' organization, to a fine of not more than \$10,000.

R.S.O. 1960,  
c. 202, s. 73  
(1966, c. 76,  
s. 26),  
amended

**33.** Section 73 of *The Labour Relations Act*, as re-enacted by section 26 of *The Labour Relations Amendment Act, 1966*, is amended by inserting after "66" in the fifth line "or a direction of the Board under section 107", and by inserting after "board" in the sixth line "including a decision under section 68a", so that the section shall read as follows:

Proceedings  
in S.C.O.

73. Where a trade union, a council of trade unions or an unincorporated employers' organization is affected by a determination of the Board under section 65, an interim order or direction of the Board under section 66 or a direction of the Board under section 107 or a decision of an arbitrator or arbitration board including a decision under section 68a, proceedings to enforce the determination, interim order, direction or decision may be instituted in the Supreme Court by or against such union, council or organization in the name of the union, council or organization, as the case may be.

R.S.O. 1960,  
c. 202, s. 75,  
subs. 3a  
(1961-62,  
c. 68, s. 10,  
subs. 1),  
amended

**34.**—(1) Subsection 3a of section 75 of *The Labour Relations Act*, as enacted by subsection 1 of section 10 of *The Labour Relations Amendment Act, 1961-62*, is amended by striking out "96" in the fifth line and inserting in lieu thereof "108", so that the subsection shall read as follows:

Construction  
industry  
division

- (3a) One of the divisions of the Board shall be designated by the chairman as the construction industry division, and it shall exercise the powers of the Board under this Act in proceedings to which sections 90 to 108 apply, but nothing in this subsection impairs the authority of any other division to exercise such powers.

R.S.O. 1960,  
c. 202, s. 75,  
amended

- (2) The said section 75 is amended by adding thereto the following subsection:

Resignation  
of member

- (4a) Where a member of the Board resigns, he may carry out and complete any duties or responsibilities and exercise any powers that he would have had if he had not ceased to be a member, in connection with any matter in respect of which there was any proceeding in which he participated as a member of the Board.

R.S.O. 1960,  
c. 202, s. 75,  
subs. 8,  
re-enacted

- (3) Subsection 8 of the said section 75 is repealed and the following substituted therefor:

SECTION 33. Complementary to sections 31 and 41 of this Bill.

SECTION 34—Subsections 1 and 4. Complementary to section 41 of this Bill.

Subsection 2. The amendment ensures continuity of procedures where a Board member resigns.

Subsection 3. The provision clarifies what constitutes a deciding vote of the Board.



Section 35—Subsection 1. **Complementary** to section 41 of this Bill.

Subsection 2. The new provisions authorize the Board to order additional representation votes in certain circumstances.

- (8) The decision of the majority of the members of the Board present and constituting a quorum is the decision of the Board, but, if there is no majority, the decision of the chairman or vice-chairman governs. Decisions

(4) Subsection 9a of the said section 75, as enacted by subsection 3 of section 10 of *The Labour Relations Amendment Act, 1961-62* and amended by section 9 of *The Labour Relations Amendment Act, 1964* is further amended by striking out "96" in the third line and inserting in lieu thereof "108", so that the subsection shall read as follows: R.S.O. 1960,  
c. 202, s. 75,  
subs. 9a  
(1961-62,  
c. 68, s. 10,  
subs. 3),  
amended

- (9a) The Board may, subject to the approval of the Lieutenant Governor in Council, make rules to expedite proceedings before the Board to which sections 90 to 108 apply, and such rules may provide that, for the purposes of determining the merits of an application for certification to which sections 90 to 92 apply, the Board shall make or cause to be made such examination of records and such other inquiries as it deems necessary, but the Board need not hold a hearing on such an application. Rules  
applicable  
to con-  
struction  
industry

**35.**—(1) Subsection 2 of section 77 of *The Labour Relations Act* is amended by adding thereto the following clause: R.S.O. 1960,  
c. 202, s. 77,  
subs. 2,  
amended

- (k) to determine the form in which and the time as of which evidence of representation by an employers' organization or of objection by employers to accreditation of an employers' organization or of signification by employers that they no longer wish to be represented by an employers' organization shall be presented to the Board in an application for accreditation or for a declaration terminating bargaining rights of an employers' organization and to refuse to accept any evidence of representation or objection or signification that is not presented in the form and as of the time so determined.

(2) The said section 77 is amended by adding thereto the following subsections: R.S.O. 1960,  
c. 202, s. 77,  
amended

- (5) Where the Board determines that a representation vote is to be taken amongst the employees in a bargaining unit or voting constituency, the Board may hold such additional representation votes as it considers necessary to determine the true wishes of the employees. Additional  
votes

- (6) Where, in the taking of a representation vote, the Board determines that the employees are to be given a choice between two or more trade unions, Idem

- (a) the Board shall include on any ballot a choice indicating that an employee does not wish to be represented by a trade union; and
- (b) the Board, when it decides to hold such additional representation votes as may be necessary, may eliminate from the choice on the ballot the trade union that has obtained the lowest number of votes cast in the previous representation vote.

R.S.O. 1960,  
c. 202, s. 79a  
subs. 2  
(1966, c. 76,  
s. 33),  
amended

**36.** Subsection 2 of section 79a of *The Labour Relations Act*, as enacted by section 33 of *The Labour Relations Amendment Act, 1966*, is amended by striking out "10" in the fifth line and inserting in lieu thereof "11".

R.S.O. 1960,  
c. 202, s. 85,  
subs. 2,  
re-enacted

**37.**—(1) Subsection 2 of section 85 of *The Labour Relations Act* is repealed and the following substituted therefor:

Time of  
making  
certain  
applications

- (2) An application for certification or accreditation or for a declaration that a trade union or employers' organization no longer represents the employees or employers, as the case may be, in a bargaining unit, if sent by registered mail addressed to the Board at Toronto, shall be deemed to have been made on the date on which it was so mailed.

R.S.O. 1960,  
c. 202, s. 85,  
subs. 4  
(1966, c. 76,  
s. 35),  
amended

(2) Subsection 4 of the said section 85, as enacted by section 35 of *The Labour Relations Amendment Act, 1966*, is amended by inserting after "66" in the fourth line "or a direction of the Board under section 107" and by inserting after "board" in the fifth line "including a decision under section 68a", so that the subsection shall read as follows:

Failure  
to receive  
documents  
a defence

- (4) Proof by a person, employers' organization, trade union or council of trade unions of failure to receive a determination under section 65 or an interim order or direction under section 66 or a direction of the Board under section 107, or a decision of an arbitrator or of an arbitration board including a decision under section 68a sent by mail to such person, employers' organization, trade union or council of trade unions addressed to him or it at his or its last-known address is a defence by such person, employers' organization, trade union or council of trade unions to an application for consent to institute a prosecution or to any proceedings to enforce as a judgment or order of the Supreme Court such determination, interim order, direction or decision.

R.S.O. 1960,  
c. 202, s. 88,  
cl. f,  
amended

**38.** Clause f of section 88 of *The Labour Relations Act* is amended by striking out "and 66" in the third line and insert-

SECTION 36. Complementary to subsection 1 of section 22 of this Bill.

SECTION 37—Subsection 1. Complementary to section 41 of this Bill.

Subsection 2. Complementary to sections 31 and 41 of this Bill.

SECTION 38. Complementary to sections 31 and 41 of this Bill.

SECTIONS 39, 40 and 41. The new provisions provide for the accreditation of employers' organizations in the construction industry as bargaining agents for units of employers.

Section 107 of the Act as added by section 41 of the Bill authorizes the Board to make directions where an unlawful strike or lock-out is called or threatened in the construction industry. The new section 108 is complementary to subsections 3 and 4 of section 30 of this Bill.

ing in lieu thereof “66, 68*a* and 107”, so that the clause shall read as follows:

- (f) prescribing forms and providing for their use, including the form in which the documents mentioned in sections 34, 65, 66, 68*a* and 107 shall be filed in the Supreme Court.

**39.** Section 90 of *The Labour Relations Act*, as enacted by R.S.O. 1960, c. 202, s. 90 (1961-62), is repealed and the following substituted therefor: c. 68, s. 16), re-enacted

90. In this section and in sections 91 to 108,

Interpreta-  
tion

- (a) “council of trade unions” means a council that is formed for the purpose of representing or that according to established bargaining practice represents trade unions as defined in clause *f*;
- (b) “employee” includes an employee engaged in whole or in part in off-site work but who is commonly associated in his work or bargaining with on-site employees.
- (c) “employer” means a person who operates a business in the construction industry, and for purposes of an application for accreditation means an employer for whose employees a trade union or council of trade unions affected by the application has bargaining rights in a particular geographic area and sector or areas or sectors or parts thereof;
- (d) “employers’ organization” means an organization that is formed for the purpose of representing or represents employers as defined in clause *c*;
- (e) “sector” means a division of the construction industry as determined by work characteristics and includes the industrial, commercial and institutional sector, the residential sector, the sewers, tunnels and watermains sector, the roads sector, the heavy engineering sector, the pipeline sector and the electrical power systems sector;
- (f) “trade union” means a trade union that according to established trade union practice pertains to the construction industry.



R.S.O. 1960,  
c. 202, s. 91  
(1961-62,  
c. 68, s. 16),  
amended

**40.** Section 91 of *The Labour Relations Act*, as enacted by section 16 of *The Labour Relations Amendment Act, 1961-62* and amended by section 38 of *The Labour Relations Amendment Act, 1966*, is further amended by striking out "96" in the second line and in the third line and inserting in lieu thereof in each instance "108", so that the section shall read as follows:

Conflict

91. Where there is conflict between any provision in sections 92 to 108 and any provision in sections 5 to 43 and 47 to 88, the provisions in sections 92 to 108 prevail.

R.S.O. 1960,  
c. 202,  
amended

**41.** *The Labour Relations Act* is amended by adding thereto the following sections:

Accredita-  
tion of  
employers'  
organization

97. Where a trade union or council of trade unions has been certified or has been granted voluntary recognition, under section 13, as the bargaining agent for a unit of employees of more than one employer in the construction industry or where a trade union or council of trade unions has entered into collective agreements with more than one employer covering a unit of employees in the construction industry, an employers' organization may apply to the Board to be accredited as the bargaining agent for all employers in a particular sector of the industry and in the geographic area described in the said certificates, voluntary recognition documents or collective agreements, as the case may be.

Board to  
determine  
appropriate-  
ness of unit

98.—(1) Upon an application for accreditation, the Board shall determine the unit of employers that is appropriate for collective bargaining in a particular geographic area and sector, but the Board need not confine the unit to one geographic area or sector but may, if it considers it advisable, combine areas or sectors or both or parts thereof.

Idem

(2) The unit of employers shall comprise all employers as defined in clause *c* of section 90 in the geographic area and sector determined by the Board to be appropriate.

Determi-  
nations by  
Board

99.—(1) Upon an application for accreditation the Board shall ascertain,

(a) the number of employers in the unit of employers on the date of the making of the application who have within one year prior to such date had employees in their employ

for whom the trade union or council of trade unions has bargaining rights in the geographic area and sector determined by the Board to be appropriate;

- (b) the number of employers in clause *a* represented by the employers' organization on the date of the making of the application; and
- (c) the number of employees of employers in clause *a* on the payroll of each such employer for the weekly payroll period immediately preceding the date of the application or if, in the opinion of the Board, such payroll period is unsatisfactory for any one or more of the employers in clause *a*, such other weekly payroll period for any one or more of the said employers as the Board considers advisable.

(2) If the Board is satisfied,

Accredita-  
tion

- (a) that a majority of the employers in clause *a* of subsection 1 are represented by the employers' organization; and
- (b) that such majority of employers employed a majority of the employees in clause *c* of subsection 1,

the Board, subject to subsection 3, shall accredit the employers' organization as the bargaining agent of the employers in the unit of employers and for such other employers for whose employees the trade union or council of trade unions may, after the date of the making of the application, obtain bargaining rights through certification or voluntary recognition in the appropriate geographic area and sector.

- (3) Before accrediting an employers' organization under subsection 2, the Board shall satisfy itself that the employers' organization is a properly constituted organization and that each of the employers whom it represents has vested appropriate authority in the organization to enable it to discharge the responsibilities of an accredited bargaining agent. Authority  
of employers'  
organization
- (4) Where the Board is of the opinion that appropriate <sup>Idem</sup> authority has not been vested in the employers' organization, the Board may postpone disposition of the application to enable employers represented by the organization to vest such additional or other authority in the organization as the Board considers necessary.

What  
employers'  
organization  
not to be  
accredited

- (5) The Board shall not accredit any employers' organization if any trade union or council of trade unions has participated in its formation or administration or has contributed financial or other support to it or if it discriminates against any person because of his race, creed, colour, nationality, ancestry or place of origin.

Effect of  
accreditation

- 100.—(1) Upon accreditation, all rights, duties and obligations under this Act of employers for whom the accredited employers' organization is or becomes the bargaining agent apply *mutatis mutandis* to the accredited employers' organization.

Effect of  
accreditation  
on collective  
agreements

- (2) Upon accreditation, any collective agreement in operation between the trade union or council of trade unions and any employer in clause *a* of subsection 1 of section 99 is binding on the parties thereto only for the remainder of the term of operation of the agreement, regardless of any provision therein respecting its renewal.

Idem

- (3) When any collective agreement mentioned in subsection 2 ceases to operate, the employer shall thereupon be bound by any collective agreement then in existence between the trade union or council of trade unions and the accredited employers' organization or subsequently entered into by the said parties.

Idem

- (4) Where, after the date of the making of an application for accreditation, the trade union or council of trade unions obtains bargaining rights for the employees of an employer through certification or voluntary recognition, that employer is bound by any collective agreement in existence at the time of the certification or voluntary recognition between the trade union or council of trade unions and the applicant employers' organization or subsequently entered into by the said parties.

Idem

- (5) A collective agreement between a trade union or council of trade unions and an employer who, but for the one-year requirement, would have been included in clause *a* of subsection 1 of section 99 is binding on the parties thereto only for the remainder of the term of operation of the agreement regardless of any provisions therein respecting its renewal.

- (6) When any collective agreement mentioned in <sup>Idem</sup> subsection 5 ceases to operate, the employer shall thereupon be bound by any collective agreement then in existence between the trade union or council of trade unions and the accredited employers' organization or subsequently entered into by the said parties.
- (7) Where, under the provisions of this section, an employer becomes bound by a collective agreement between a trade union or council of trade unions and an accredited employers' organization after the said agreement has commenced to operate, the agreement ceases to be binding on the employer in accordance with the terms thereof, notwithstanding subsection 1 of section 39. <sup>Application of s. 39, subs. 1</sup>
- 101.—(1) Subsections 1 and 2 of section 38 do not apply to an accredited employers' organization. <sup>Application of s. 38, subs. 1, 2</sup>
- (2) A collective agreement between an accredited employers' organization and a trade union or council of trade unions is, subject to and for the purposes of this Act, binding upon the accredited employers' organization and the trade union or council of trade unions, as the case may be, and upon each employer in the unit of employers represented by the accredited employers' organization at the time the agreement was entered into and upon such other employers as may subsequently be bound by the said agreement, as if it was made between each of such employers and the trade union or council of trade unions and, if any such employer ceases to be represented by the accredited employers' organization during the term of operation of the agreement, the employer shall, for the remainder of the term of operation of the agreement, be deemed to be a party to a like agreement with the trade union or council of trade unions. <sup>Binding effect of collective agreement on employer</sup>
- (3) A collective agreement between an accredited employers' organization and a trade union or council of trade unions is binding on the employees in the bargaining unit defined in the agreement of any employer bound by the collective agreement. <sup>Binding effect of collective agreement on employees</sup>
- 102.—(1) If an accredited employers' organization does not make a collective agreement with the trade union or council of trade unions, as the case may be, within one year after its accreditation, any of the employers in the unit of employers determined in the <sup>Termination of accreditation</sup>



accreditation certificate may apply to the Board only during the two months following the said one year for a declaration that the accredited employers' organization no longer represents the employers in the unit of employers.

Idem

- (2) Any of the employers in the unit of employers defined in a collective agreement between an accredited employers' organization and a trade union or council of trade unions, as the case may be, may apply to the Board only during the last two months of its operation for a declaration that the accredited employers' organization no longer represents the employers in the unit of employers.

Deter-  
mination by  
Board

- (3) Upon an application under subsection 1 or 2, the Board shall ascertain,

- (a) the number of employers in the unit of employers on the date of the making of the application;

- (b) the number of employers in the unit of employers who, within the two-month period immediately preceding the date of making of the application, have voluntarily signified in writing that they no longer wish to be represented by the accredited employers' organization; and

- (c) the number of employees affected by the application of employers in the unit of employers on the payroll of each such employer for the weekly payroll period immediately preceding the date of the making of the application or if, in the opinion of the Board, such payroll period is unsatisfactory for any one or more of the employers in clause *a*, such other weekly payroll period for any one or more of the said employers as the Board considers advisable.

Declaration  
by Board

- (4) If the Board is satisfied,

- (a) that a majority of the employers in clause *a* of subsection 3 has voluntarily signified in writing that they no longer wish to be represented by the accredited employers' organization; and

- (b) that such majority of employers employed a majority of the employees in clause *c* of subsection 3,

the Board shall declare that the employers' organization that was accredited or that was or is a party to the collective agreement, as the case may be, no longer represents the employers in the unit of employers.

- (5) Upon an application under subsections 1 or 2, when the employers' organization informs the Board that it does not desire to continue to represent the employers in the unit of employers, the Board may declare that the employers' organization no longer represents the employers in the unit.

Declaration  
of termina-  
tion on  
abandon-  
ment

- (6) Upon the Board making a declaration under subsection 4 or 5,

Effect of  
declaration

- (a) any collective agreement in operation between the trade union or council of trade unions and the employers' organization that is binding upon the employers in the unit of employers ceases to operate forthwith;

- (b) all rights, duties and obligations under this Act of the employers' organization revert *mutatis mutandis* to the individual employers represented by the employers' organization; and

- (c) the trade union or council of trade unions, as the case may be, is entitled to give to any employer in the unit of employers a written notice of its desire to bargain with a view to making a collective agreement, and such notice has the same effect as a notice under section 11.

- 103.—(1) No trade union or council of trade unions that has bargaining rights for employees of employers represented by an accredited employers' organization and no such employer or person acting on behalf of such employer, trade union or council of trade unions shall, so long as the accredited employers' organization continues to be entitled to represent the employers in a unit of employers, bargain with each other with respect to such employees or enter

Individual  
bargaining  
prohibited



into a collective agreement designed or intended to be binding upon such employees and if any such agreement is entered into it is void.

Agreements to provide employees during lawful strike or lock-out prohibited

- (2) No trade union or council of trade unions that has bargaining rights for employees of employers represented by an accredited employers' organization and no such employer or person acting on behalf of the employer, trade union or council of trade unions shall, so long as the accredited employers' organization continues to be entitled to represent the employers in a unit of employers, enter into any agreement or understanding, oral or written, which provides for the supply of employees during a legal strike or lock-out, and if any such agreement or understanding is entered into it is void and no such trade union or council of trade unions or person shall supply such employees to the employer.

Saving

- (3) Nothing in this Act prohibits an employer, represented by an accredited employers' organization, from continuing or attempting to continue his operations during a strike or lock-out involving employees of employers represented by the accredited employers' organization.

Duty of fair representation by employers' organization

104. An accredited employers' organization, so long as it continues to be entitled to represent employers in a unit of employers, shall not act in a manner that is arbitrary, discriminatory or in bad faith in the representation of any of the employers in the unit, whether members of the accredited employers' organization or not.

Membership in employers' organization

105. Membership in an accredited employers' organization shall not be denied or terminated except for cause which, in the opinion of the Board, is fair and reasonable.

Fees

106. An accredited employers' organization shall not charge, levy or prescribe initiation fees, dues or assessments which, in the opinion of the Board, are unreasonable or discriminatory.

Direction by Board re unlawful strike

- 107.—(1) Where on the complaint of an interested person, trade union, council of trade unions or employers' organization the Board is satisfied that a trade union or council of trade unions called or authorized or threatened to call or authorize an unlawful strike or that an officer, official or agent of a trade union or council of trade unions counselled or procured or supported or encouraged an unlawful

strike or threatened an unlawful strike, or that employees engaged in or threatened to engage in an unlawful strike, it may direct what action if any a person, employee, employer, employers' organization, trade union or council of trade unions and their officers, officials or agents shall do or refrain from doing with respect to the unlawful strike or the threat of an unlawful strike.

- (2) Where on the complaint of an interested person, trade union, council of trade unions or employers' organization the Board is satisfied that an employer or employers' organization called or authorized or threatened to call or authorize an unlawful lock-out or locked out or threatened to lock out employees or that an officer, official or agent of an employer or employers' organization counselled or procured or supported or encouraged an unlawful lock-out or threatened an unlawful lock-out, it may direct what action if any a person, employee, employer, employers' organization, trade union or council of trade unions and their officers, officials or agents shall do or refrain from doing with respect to the unlawful lock-out or the threat of an unlawful lock-out. Direction by Board re unlawful lock-out
- (3) The Board shall file in the office of the Registrar of the Supreme Court a copy of a direction made under this section, exclusive of the reasons therefor, in the prescribed form, whereupon the direction shall be entered in the same way as a judgment or order of that court. Enforcement of direction by S.C.O.
- 108.—(1) Every trade union, council of trade unions, employer and employers' organization in the construction industry shall, on or before the 1st day of April, 1971, or within fifteen days after it has entered into a collective agreement, whichever is later, file with the Board a notice in the prescribed form giving the name and address of a person resident in Ontario who is authorized by the trade union, employer or employers' organization to act as a designated jurisdictional representative in the event of a dispute as to the assignment of work. Designation of jurisdictional representative
- (2) Whenever a trade union, employer or unincorporated employers' organization changes the authorization referred to in subsection 1 it shall file with the Board notice thereof in the prescribed form within fifteen days after making such change. Idem

- Idem (3) Where a trade union, employer or employers' organization files a complaint under subsection 1 of section 66 and it has not complied with subsection 1 or 2, it shall file the required notice with the complaint.
- Commence-  
ment **42.**—(1) This Act, except section 15 and subsection 3 of section 30, comes into force on a day to be named by the Lieutenant Governor by his proclamation.
- Idem (2) Section 15 comes into force on the 1st day of July, 1972.
- Idem (3) Subsection 3 of section 30 comes into force on the 1st day of April, 1971.
- Short title **43.** This Act may be cited as *The Labour Relations Amendment Act, 1970* (No. 2).



An Act to amend  
The Labour Relations Act

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*1st Reading*

June 22nd, 1970

*2nd Reading*

October 8th, 1970

*3rd Reading*

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MR. BATES

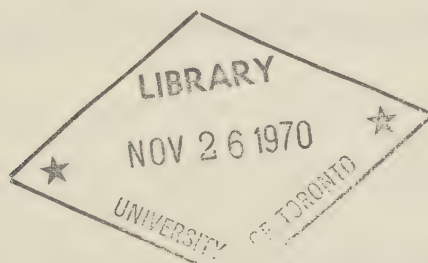
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(*Reprinted as amended  
by the Labour Committee*)

## BILL 167

3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

**An Act to amend The Labour Relations Act**



MR. BALES

*(Reprinted as amended by the Committee of the Whole House)*

TORONTO

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#### EXPLANATORY NOTES

SECTION 1. The purpose of the amendment is to provide a statement endorsing the principle of collective bargaining.

SECTION 2—Subsections 1 and 2. Complementary to section 41 of the Bill.

BILL 167

1970

## An Act to amend The Labour Relations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Labour Relations Act* is amended by adding thereto the following preamble: R.S.O. 1960,  
c. 202,  
amended

WHEREAS it is in the public interest of the Province of Ontario to further harmonious relations between employers and employees by encouraging the practice and procedure of collective bargaining between employers and trade unions as the freely designated representatives of employees.

2.—(1) Subsection 1 of section 1 of *The Labour Relations Act* is amended by relettering clause *a* as clause *aa* and by adding thereto the following clause: R.S.O. 1960,  
c. 202,  
s. 1, subs. 1,  
amended

(a) “accredited employers’ organization” means an organization of employers that is accredited under this Act as the bargaining agent for a unit of employers.

(2) Clause *f* of subsection 1 of the said section 1 is amended by adding at the end thereof “and includes an accredited employers’ organization”, so that the clause shall read as follows: R.S.O. 1960,  
c. 202,  
s. 1, subs. 1,  
cl. *f*,  
amended

(f) “employers’ organization” means an organization of employers formed for purposes that include the regulation of relations between employers and employees and includes an accredited employers’ organization.

(3) Subsection 1 of the said section 1 is further amended by adding thereto the following clause: R.S.O. 1960,  
c. 202, s. 1,  
subs. 1,  
amended

(ha) “professional engineer” means an employee who is a member of the engineering profession entitled to practise in Ontario and employed in a professional capacity.

R.S.O. 1960,  
c. 202,  
s. 1, subs. 3,  
amended (4) Subsection 3 of the said section 1, as amended by subsection 2 of section 1 of *The Labour Relations Amendment Act, 1961-62*, is further amended by inserting at the commencement thereof "Subject to section 65a", so that the subsection, exclusive of the clauses, shall read as follows:

Idem

(3) Subject to section 65a, for the purposes of this Act no person shall be deemed to be an employee,

. . . . .

R.S.O. 1960,  
c. 202, s. 1,  
subs. 3, cl. a,  
amended (5) Clause a of subsection 3 of the said section 1, as amended by subsection 2 of section 1 of *The Labour Relations Amendment Act, 1961-62* is further amended by striking out "engineering" in the first and second lines, so that the clause shall read as follows:

(a) who is a member of the architectural, dental, land surveying, legal or medical profession entitled to practise in Ontario and employed in a professional capacity; or

. . . . .

R.S.O. 1960,  
c. 202, s. 1,  
amended (6) The said section 1 is amended by adding thereto the following subsection:

Idem

(4) Where, in the opinion of the Board, associated or related activities or businesses are carried on by or through more than one corporation, individual, firm, syndicate or association, or any combination thereof, under common control or direction, the Board may treat the corporations, individuals, firms, syndicates or associations or any combination thereof as constituting one employer for the purposes of this Act.

R.S.O. 1960,  
c. 202, s. 5,  
amended **3.** Section 5 of *The Labour Relations Act*, as amended by section 2 of *The Labour Relations Amendment Act, 1966*, is further amended by adding thereto the following subsection:

Idem

(1b) Where an employer and a trade union agree that the employer recognizes the trade union as the exclusive bargaining agent of the employees in a defined bargaining unit and the agreement is in writing signed by the parties and the parties have not entered into a collective agreement and the Board has not made a declaration under section 45a, another trade union may, subject to section 46, apply to the Board for certification as bargaining agent of any of the employees in the bargaining unit

Subsection 4. Complementary to section 29 of the Bill.

Subsection 6. Self-explanatory.

SECTION 3. The amendment makes provision for limited protection of voluntary recognition from certification proceedings.

SECTION 4. The Board is given the discretion to exempt mixed crews from normal craft bargaining units.

SECTIONS 5 and 6. The membership percentage for outright certification is changed from 55 per cent to 65 per cent and the requirement for a vote is lowered from 45 per cent to 35 per cent. The vote required is changed from 50 per cent of those eligible to 50 per cent of the ballots cast.

defined in the recognition agreement only after the expiration of one year from the date that the recognition agreement was entered into.

4.—(1) Subsection 2 of section 6 of *The Labour Relations Act* is amended by adding at the end thereof “or where the group of employees is exercising a combination of technical skills or is required to perform the skills in whole or in part of more than one craft as part of a work crew or team, the other members of which are also required to perform in similar fashion”, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 202, s. 6,  
subs. 2,  
amended

- (2) Any group of employees who exercise technical skills or who are members of a craft by reason of which they are distinguishable from the other employees and commonly bargain separately and apart from other employees through a trade union that according to established trade union practice pertains to such skills or craft shall be deemed by the Board to be a unit appropriate for collective bargaining if the application is made by a trade union pertaining to such skills or craft, and the Board may include in such unit persons who according to established trade union practice are commonly associated in their work and bargaining with such group, but the Board shall not be required to apply this subsection where the group of employees is included in a bargaining unit represented by another bargaining agent at the time the application is made, or where the group of employees is exercising a combination of technical skills or is required to perform the skills in whole or in part of more than one craft as part of a work crew or team, the other members of which are also required to perform in similar fashion.

Craft units

(2) The said section 6 is amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 202, s. 6,  
amended

- (3) A bargaining unit consisting solely of professional engineers shall be deemed by the Board to be a unit of employees appropriate for collective bargaining, but, the Board may include professional engineers in a bargaining unit with other employees if the Board is satisfied that a majority of such professional engineers wish to be included in such bargaining unit.

Unit of  
professional  
engineers

5.—(1) Subsection 2 of section 7 of *The Labour Relations Act* is amended by striking out “45” in the first line and inserting in lieu thereof “35”, and by striking out “55” in

R.S.O. 1960,  
c. 202, s. 7,  
subs. 2,  
amended



the second line and in the fourth line and inserting in lieu thereof in each instance "65", so that the subsection shall read as follows:

Representa-  
tion vote

- (2) If the Board is satisfied that not less than 35 per cent and not more than 65 per cent of the employees in the bargaining unit are members of the trade union, the Board shall, and if the Board is satisfied that more than 65 per cent of such employees are members of the trade union, the Board may, direct that a representation vote be taken.

R.S.O. 1960,  
c. 202, s. 7,  
subs. 3,  
re-enacted,  
subs. 4,  
repealed

- (2) Subsections 3 and 4 of the said section 7 are repealed and the following substituted therefor:

Certification  
after vote

- (3) If on the taking of a representation vote more than 50 per cent of the ballots cast are cast in favour of the trade union, and in other cases, if the Board is satisfied that more than 65 per cent of the employees in the bargaining unit are members of the trade union, the Board shall certify the trade union as the bargaining agent of the employees in the bargaining unit.

Application  
of section

- (3) This section does not apply in respect of applications for certification made before this section comes into force.

R.S.O. 1960,  
c. 202, s. 8,  
subs. 2,  
amended

- 6.**—(1) Subsection 2 of section 8 of *The Labour Relations Act* is amended by striking out "45" in the fourth line and inserting in lieu thereof "35", so that the subsection shall read as follows:

Voting  
constituency

- (2) Upon such a request being made, the Board may determine a voting constituency and, if it appears to the Board on an examination of the records of the trade union and the records of the employer that not less than 35 per cent of the employees in the voting constituency were members of the trade union at the time the application was made, the Board may direct that a representation vote be taken among the employees in the voting constituency.

R.S.O. 1960,  
c. 202, s. 8,  
subs. 4,  
amended

- (2) Subsection 4 of the said section 8 is amended by striking out "45" in the fourth line and inserting in lieu thereof "35", so that the subsection shall read as follows:

Effect of  
pre-hearing  
vote

- (4) After a representation vote has been taken under subsection 2, the Board shall determine the unit of employees that is appropriate for collective bargaining and, if it is satisfied that not less than 35



SECTION 7. The amendment provides for access to employees' living area for organizational purposes where the living area is under the control of the employer.

SECTION 8. The amendment removes any doubt that the present section 9 includes security guards provided under contract.

SECTION 9. The Minister of Labour is empowered to appoint an industrial inquiry commission to investigate particular labour disputes or problems.

per cent of the employees in such bargaining unit were members of the trade union at the time the application was made, the representation vote taken under subsection 2 has the same effect as a representation vote taken under subsection 2 of section 7.

(3) This section does not apply in respect of applications for certification made before this section comes into force. Application of section

7. *The Labour Relations Act* is amended by adding thereto the following section: R.S.O. 1960, c. 202, amended

8b. Where employees of an employer reside on the property of the employer, or on property to which the employer has the right to control access, the employer shall, upon a direction from the Board, allow the representative of a trade union access to the property on which the employees reside for the purpose of attempting to persuade the employees to join a trade union. Right of access

8. Section 9 of *The Labour Relations Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 202, s. 9, re-enacted

9. The Board shall not include in a bargaining unit with other employees a person employed as a guard to protect the property of an employer, and no trade union shall be certified as bargaining agent for a bargaining unit of such guards and no employer or employers' organization shall be required to bargain with a trade union on behalf of any person who is a guard if, in either case, the trade union admits to membership or is chartered by, or is affiliated, directly or indirectly, with an organization that admits to membership persons other than guards. Security guards

9. *The Labour Relations Act* is amended by adding thereto the following section: R.S.O. 1960, c. 202, amended

31a—(1) The Minister may establish an industrial inquiry commission to inquire into and report to the Minister on any industrial matter or dispute that the Minister considers advisable. Industrial inquiry commission

(2) The industrial inquiry commission shall consist of one or more members appointed by the Minister and the commission shall have all the powers of a conciliation board under section 28. Composition and powers

(3) The chairman and members of the commission shall be paid remuneration and expenses at the same rate Remuneration and expenses

as is payable to a chairman and members of a conciliation board under this Act.

R.S.O. 1960,  
c. 202, s. 32,  
amended

**10.**—(1) Section 32 of *The Labour Relations Act* is amended by adding thereto the following subsection:

Recognition  
of  
accredited  
employers'  
organization

(1a) Every collective agreement to which an accredited employers' organization is a party shall provide that the accredited employers' organization is recognized as the exclusive bargaining agent of the employers in the unit of employers for whom the employers' organization has been accredited.

R.S.O. 1960,  
c. 202, s. 32,  
subs. 2,  
amended

(2) Subsection 2 of the said section 32 is amended by inserting after "1" in the second line "or 1a", so that the subsection shall read as follows:

Addition  
by Board

(2) If a collective agreement does not contain such a provision as is mentioned in subsection 1 or 1a, it may be added to the agreement at any time by the Board upon the application of either party.

R.S.O. 1960,  
c. 202, s. 33,  
subs. 2,  
re-enacted

**11.** Subsection 2 of section 33 of *The Labour Relations Act* is repealed and the following substituted therefor:

Statutory  
provision

(2) If a collective agreement does not contain such a provision as is mentioned in subsection 1, it shall be deemed to contain the following provision:

"There shall be no strikes or lock-outs so long as this agreement continues to operate."

R.S.O. 1960,  
c. 202, s. 34,  
subs. 2,  
amended

**12.**—(1) Subsection 2 of section 34 of *The Labour Relations Act* is amended by adding after "employee" in the twenty-third line "or employer", so that the subsection shall read as follows:

Idem

(2) If a collective agreement does not contain such a provision as is mentioned in subsection 1, it shall be deemed to contain the following provision:

Where a difference arises between the parties relating to the interpretation, application or administration of this agreement, including any question as to whether a matter is arbitrable, or where an allegation is made that this agreement has been violated, either of the parties may, after exhausting any grievance procedure established by this agreement, notify the other party in writing of its desire to submit the difference or allegation to arbitration and the notice shall contain the name of the first party's appointee to an arbitration board. The recipient of the notice shall within five days inform the other party of the name of its appointee to the arbitration board. The two appointees so selected shall, within five days of

SECTION 10. Complementary to section 41 of this Bill.

SECTION 11. The no-strike no-lock-out provision is included in all collective agreements.

SECTION 12—Subsection 1. Complementary to section 41 of this Bill.



Subsection 2. The amendment permits an arbitrator to exercise equity in reviewing a penalty imposed on an employee for cause under a collective agreement.

SECTION 13—Subsection 1. The amendment increases the protection given to individual employees from the operation of union security provisions and the primary onus for compliance is changed from the employer to the trade union.

the appointment of the second of them, appoint a third person who shall be the chairman. If the recipient of the notice fails to appoint an arbitrator, or if the two appointees fail to agree upon a chairman within the time limited, the appointment shall be made by the Minister of Labour for Ontario upon the request of either party. The arbitration board shall hear and determine the difference or allegation and shall issue a decision and the decision is final and binding upon the parties and upon any employee or employer affected by it. The decision of a majority is the decision of the arbitration board, but if there is no majority the decision of the chairman governs.

(2) The said section 34 is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 202, s. 34,  
amended

(7a) Where an arbitrator or arbitration board determines that an employee has been discharged or otherwise disciplined by an employer for cause and the collective agreement does not contain a specific penalty for the infraction that is the subject-matter of the arbitration, the arbitrator or arbitration board may substitute such other penalty for the discharge or discipline as to the arbitrator or arbitration board seems just and reasonable in all the circumstances. Substitution  
of penalty

(3) Subsection 2 applies to arbitrations commenced after subsection 2 comes into force and to arbitrations commenced before subsection 2 comes into force and in respect of which the arbitrator or arbitration board has heard no evidence, notwithstanding that the collective agreement under which the arbitration was commenced was entered into before subsection 2 comes into force. Application  
of subs. 2

**13.**—(1) Subsection 2 of section 35 of *The Labour Relations Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 202, s. 35,  
subs. 2,  
re-enacted

(2) No trade union that is a party to a collective agreement containing a provision mentioned in clause *a* of subsection 1 shall require the employer to discharge an employee because, Where  
non-member  
employee  
cannot be  
required to  
be  
discharged

(a) he has been expelled or suspended from membership in the trade union; or

(b) membership in the trade union has been denied to or withheld from the employee,

for the reason that the employee,

(c) was or is a member of another trade union;

- (d) has engaged in activity against the trade union or on behalf of another trade union;
- (e) has engaged in reasonable dissent within the trade union;
- (f) has been discriminated against by the trade union in the application of its membership rules; or
- (g) has refused to pay initiation fees, dues or other assessments to the trade union which are unreasonable.

R.S.O. 1960,  
c. 202, s. 35,  
subs. 4,  
amended

(2) Subsection 4 of the said section 35 is amended by striking out "55" in the sixth line and inserting in lieu thereof "65", so that the subsection, exclusive of the clauses, shall read as follows:

Union  
security  
provision  
in first  
agreement

- (4) A trade union and the employer of the employees concerned shall not enter into a collective agreement that includes provisions requiring, as a condition of employment, membership in the trade union that is a party to or is bound by the agreement unless the trade union has established at the time it entered into the agreement that not less than 65 per cent of the employees in the bargaining unit were members of the trade union, but this subsection does not apply,

. . . . .

R.S.O. 1960,  
c. 202,  
amended

**14.** *The Labour Relations Act* is amended by adding thereto the following section:

Religious  
objections

35a—(1) Where the Board is satisfied that an employee because of his religious conviction or belief,

(a) objects to joining a trade union; or

(b) objects to the paying of dues or other assessments to a trade union,

the Board may order that the provisions of a collective agreement of the type mentioned in clause a of subsection 1 of section 35 do not apply to such employee and that the employee is not required to join the trade union, to be or continue to be a member of the trade union, or to pay any dues, fees or assessments to the trade union, provided that amounts equal to any initiation fees, dues, or other

Subsection 2. The purpose of the amendment is to bring the requirements for union security provisions in a first agreement into line with the corresponding changes in the requirement for outright certification.

SECTION 14. The amendment allows employees who object to joining a trade union because of religious convictions exemption from union security provisions in a collective agreement.

SECTION 15. The provision ensures that there is only one collective agreement at a time for a group of employees.

SECTION 16. The provision ensures the binding effect of collective agreements in multiple bargaining situations.

assessments are paid by the employee to or are remitted by the employer to a charitable organization mutually agreed upon by the employee and the trade union, but if the employee and the trade union fail to so agree then to such charitable organization registered as a charitable organization in Canada under Part I of the *Income Tax Act* (Canada) as may be designated by the Board.

R.S.C. 1952,  
c. 148

(2) Subsection 1 applies,

Application  
of subs. 1

- (a) subject to clause *b*, to employees in the employ of an employer at the time a collective agreement containing a provision of the kind mentioned in subsection 1 is first entered into with that employer and only during the life of such collective agreement; and
- (b) where a collective agreement in force when this subsection comes into force contains the provisions mentioned in subsection 1, to employees in the employ of the employer at the time this section comes into force and only during the life of such collective agreement,

and does not apply to employees whose employment commences after the entering into of the collective agreement when clause *a* applies, or after this section comes into force, when clause *b* applies.

**15.** *The Labour Relations Act* is amended by adding thereto the following section:

R.S.O. 1960,  
c. 202,  
amended

- 36a. There shall be only one collective agreement at a time between a trade union or council of trade unions and an employer or employers' organization with respect to the employees in the bargaining unit defined in the collective agreement.

More than  
one  
collective  
agreement  
prohibited

**16.**—(1) Subsection 1 of section 38 of *The Labour Relations Act*, as amended by section 3 of *The Labour Relations Amendment Act, 1961-62*, is further amended by inserting after "upon" in the third line "the employers' organization and" and by inserting after "unions" in the third instance in the amendment of 1961-62 "and upon the employees in the bargaining unit defined in the agreement", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 202, s. 38,  
subs. 1,  
amended



Binding  
effect of  
collective  
agreements  
on  
employers'  
organizations

- (1) A collective agreement between an employers' organization and a trade union or council of trade unions is, subject to and for the purposes of this Act, binding upon the employers' organization and each person who was a member of the employers' organization at the time the agreement was entered into and on whose behalf the employers' organization bargained with the trade union or council of trade unions as if it was made between each of such persons and the trade union or council of trade unions and upon the employees in the bargaining unit defined in the agreement and, if any such person ceases to be a member of the employers' organization during the term of operation of the agreement, he shall, for the remainder of the term of operation of the agreement, be deemed to be a party to a like agreement with the trade union or council of trade unions.

R.S.O. 1960,  
c. 202, s. 38,  
subs. 3,  
amended

- (2) Subsection 3 of the said section 38, as amended by subsection 2 of section 12 of *The Labour Relations Amendment Act, 1966*, is further amended by inserting after "upon" in the third line "the council of trade unions and", and by inserting after "organization" in the eighth and ninth lines "and upon the employees in the bargaining unit defined in the agreement", so that the subsection shall read as follows:

Binding  
effect of  
collective  
agreements  
on members  
or affiliates  
of councils  
of trade  
unions

- (3) A collective agreement between a council of trade unions, other than a certified council of trade unions, and an employer or an employers' organization is, subject to and for the purposes of this Act, binding upon the council of trade unions and each trade union that was a member of or affiliated with the council of trade unions at the time the agreement was entered into and on whose behalf the council of trade unions bargained with the employer or employers' organization as if it was made between each of such trade unions and the employer or employers' organization, and upon the employees in the bargaining unit defined in the agreement, and, if any such trade union ceases to be a member of or affiliated with the council of trade unions during the term of operation of the agreement, it shall, for the remainder of the term of operation of the agreement, be deemed to be a party to a like agreement with the employer or employers' organization, as the case may be.

R.S.O. 1960,  
c. 202, s. 40,  
subs. 1,  
amended

- 17.** Subsection 1 of section 40 of *The Labour Relations Act* is amended by striking out "two months" in the second line and inserting in lieu thereof "ninety days", so that the subsection shall read as follows:

SECTION 17. The amendment allows the parties to a collective agreement to open bargaining for a new agreement at an earlier date.

SECTION 18. The provision repealed provides that on the dissolution of a certified council of trade unions or withdrawal of a constituent trade union, the council and its member unions cease to represent employees.

SECTION 19. The amendment reduces the requirements for bringing an application for termination of bargaining rights from 50 per cent to 35 per cent, in line with the requirements for a vote in sections 5 and 6 of this Bill.

SECTION 20. The amendment allows employees to question the representative character of a trade union that has made a voluntary recognition agreement.

- (1) Either party to a collective agreement may, within the period of ninety days before the agreement ceases to operate, give notice in writing to the other party of its desire to bargain with a view to the renewal, with or without modifications, of the agreement then in operation or to the making of a new agreement.

Notice of  
desire to  
bargain  
for new  
collective  
agreement

**18.** Subsection 3 of section 41a of *The Labour Relations Act*, as enacted by section 14 of *The Labour Relations Amendment Act, 1966*, is repealed.

R.S.O. 1960,  
c. 202,  
s. 41a,  
(1966 c. 76,  
s. 14),  
subs. 3,  
repealed

**19.**—(1) Subsection 4 of section 43 of *The Labour Relations Act* is amended by striking out “of all those eligible to vote” in the second line and inserting in lieu thereof “cast”, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 202, s. 43,  
subs. 4,  
amended

- (4) If on the taking of the representation vote more than 50 per cent of the ballots cast are cast in opposition to the trade union, the Board shall declare that the trade union that was certified or that was or is a party to the collective agreement, as the case may be, no longer represents the employees in the bargaining unit.

Declaration  
of  
termination  
following  
vote

(2) Subsection 1 does not apply in respect of applications for the termination of bargaining rights made before this section comes into force.

Application  
of subs. 1

- (3) Subsection 5 of the said section 43 is repealed.

R.S.O. 1960,  
c. 202, s. 43,  
subs. 5,  
repealed

**20.**—(1) Subsection 1 of section 45a of *The Labour Relations Act*, as enacted by section 5 of *The Labour Relations Amendment Act, 1964*, is amended by inserting after “agreement” in the fourth line “or a recognition agreement as provided for in subsection 3 of section 13” and by inserting after “operation” in the ninth line “or, if no collective agreement has been entered into within one year from the signing of such recognition agreement”, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 202,  
s. 45a,  
(1964,  
c. 53, s. 5),  
subs. 1,  
amended

- 45a.**—(1) Where an employer and a trade union that has not been certified as the bargaining agent for a bargaining unit of employees of the employer enter into a collective agreement, or a recognition agreement as provided for in subsection 3 of section 13, the Board may, upon the application of any employee in the bargaining unit or of a trade union representing

Termination  
of bargain-  
ing rights  
after  
voluntary  
recognition

any employee in the bargaining unit, during the first year of the period of time that the first collective agreement between them is in operation or, if no collective agreement has been entered into, within one year from the signing of such recognition agreement, declare that the trade union was not, at the time the agreement was entered into, entitled to represent the employees in the bargaining unit.

R.S.O. 1960, c. 202, s. 45a (1964, c. 53, s. 5), subs. 4, re-enacted (2) Subsection 4 of the said section 45a is repealed and the following substituted therefor:

- (4) Upon the Board making a declaration under subsection 1, the trade union forthwith ceases to represent the employees in the defined bargaining unit in the recognition agreement or collective agreement and any collective agreement in operation between the trade union and the employer ceases to operate forthwith in respect of the employees affected by the application.

R.S.O. 1960, c. 202, s. 46, amended **21.** Section 46 of *The Labour Relations Act* is amended by adding thereto the following subsection:

Application of sub-sections 1 and 3

- (4) Subsections 1 and 3 apply *mutatis mutandis* to an application made under subsection 1b of section 5.

R.S.O. 1960, c. 202, s. 47a (1962-63, c. 70, s. 1), re-enacted

**22.**—(1) Section 47a of *The Labour Relations Act*, as re-enacted by section 1 of *The Labour Relations Amendment Act, 1962-63* and amended by section 18 of *The Labour Relations Amendment Act, 1966*, is repealed and the following substituted therefor:

Interpretation

**47a.**—(1) In this section,

- (a) “business” includes a part or parts thereof;
- (b) “sells” includes leases, transfers and any other manner of disposition, and “sold” and “sale” have corresponding meanings.

Successor employer

- (2) Where an employer who is bound by or is a party to a collective agreement with a trade union or council of trade unions sells his business, the person to whom the business has been sold is, until the Board otherwise declares, bound by the collective agreement as if he had been a party thereto and, where an employer sells his business while an application for certification or termination of bargaining rights to which he is a party is before the Board, the person to whom the

SECTION 21. Complementary to section 3 of this Bill.

SECTION 22. Under the present section 47*a* of the Act, upon the sale of a business, the bargaining rights continue in respect of the new owner. The new section provides that the new owner is bound by the existing agreements.





business has been sold is, until the Board otherwise declares, the employer for the purposes of the application as if he were named as the employer in the application.

- (3) Where an employer on behalf of whose employees a <sup>Idem</sup> trade union or council of trade unions, as the case may be, has been certified as bargaining agent or has given or is entitled to give notice under section 11, sells his business, the trade union or council or trade unions continues, until the Board otherwise declares, to be the bargaining agent for the employees of the person to whom the business was sold in the like bargaining unit in that business, and the trade union or council of trade unions is entitled to give to the person to whom the business was sold a written notice of its desire to bargain with a view to making a collective agreement and such notice has the same effect as a notice under section 11.
- (4) Where a business was sold to a person and a trade union or council of trade unions was the bargaining agent of any of the employees in such business or a trade union or council of trade unions is the bargaining agent of the employees in any business carried on by the person to whom the business was sold, and, <sup>Powers of Board</sup>
- (a) any question arises as to what constitutes the like bargaining unit referred to in subsection 3; or
  - (b) any person, trade union or council of trade unions claims that, by virtue of the operation of subsections 2 or 3, a conflict exists between the bargaining rights of the trade union or council of trade unions that represented the employees of the predecessor employer and the trade union or council of trade unions that represents the employees of the person to whom the business was sold,

the Board may, upon the application of any person, trade union or council of trade unions concerned,

- (c) define the composition of the like bargaining unit referred to in subsection 3 with such modification, if any, as the Board deems necessary; and
- (d) amend, to such extent as the Board deems necessary, any bargaining unit in any certi-

ificate issued to any trade union or any bargaining unit defined in any collective agreement.

Idem

- (5) The Board may, upon the application of any person, trade union or council of trade unions concerned, made within sixty days after the successor employer referred to in subsection 2 becomes bound by the collective agreement, or within sixty days after the trade union or council of trade unions has given a notice under subsection 3, terminate the bargaining rights of the trade union or council of trade unions bound by the collective agreement or that has given notice, as the case may be, if, in the opinion of the Board, the person to whom the business was sold has changed its character so that it is substantially different from the business of the predecessor employer.

Idem

- (6) Notwithstanding subsections 2 and 3, where a business was sold to a person who carries on one or more other businesses and a trade union or council of trade unions is the bargaining agent of the employees in any of the businesses and such person intermingles the employees of one of the businesses with those of another of the businesses, the Board may, upon the application of any person, trade union or council of trade unions concerned,

- (a) declare that the person to whom the business was sold is no longer bound by the collective agreement referred to in subsection 2;
- (b) determine whether the employees concerned constitute one or more appropriate bargaining units;
- (c) declare which trade union, trade unions or council of trade unions, if any, shall be the bargaining agent or agents for the employees in such unit or units; and
- (d) amend, to such extent as the Board deems necessary, any certificate issued to any trade union or council of trade unions or any bargaining unit defined in any collective agreement.

Notice to  
bargain

- (7) Where a trade union or council of trade unions is declared to be the bargaining agent under subsection

6 and it is not already bound by a collective agreement with the successor employer with respect to the employees for whom it is declared to be the bargaining agent, it is entitled to give to the employer a written notice of its desire to bargain with a view to making a collective agreement, and such notice has the same effect as a notice under section 11.

- (8) Before disposing of any application under this section, the Board may make such inquiry, may require the production of such evidence and the doing of such things, or may hold such representation votes, as it deems appropriate. Powers of Board before disposing of application
- (9) Where an application is made under this section, an employer is not required, notwithstanding that a notice has been given by a trade union or council of trade unions, to bargain with that trade union or council of trade unions concerning the employees to whom the application relates until the Board has disposed of the application and has declared which trade union or council of trade unions, if any, has the right to bargain with the employer on behalf of the employees concerned in the application. Where employer not required to bargain
- (10) For the purposes of sections 5, 43, 45, 46 and 96, a notice given by a trade union or council of trade unions under subsection 3 or a declaration made by the Board under subsection 6 has the same effect as a certification under section 7. Effect of notice or declaration
- (11) Where one or more municipalities as defined in *The Department of Municipal Affairs Act* is erected into another municipality, or two or more such municipalities are amalgamated, united or otherwise joined together, or all or part of one such municipality is annexed, attached or added to another such municipality, the employees of the municipalities concerned shall be deemed to have been intermingled, and, Successor municipalities R.S.O. 1960, c. 98
  - (a) the Board may exercise the like powers as it may exercise under subsections 6 and 8 with respect to the sale of a business under this section;
  - (b) the new or enlarged municipality has the like rights and obligations as a person to whom a business is sold under this section and who intermingles the employees of one of his

businesses with those of another of his businesses; and

- (c) any trade union or council of trade unions concerned has the like rights and obligations as it would have in the case of the intermingling of employees in two or more businesses under this section.

Power of Board to determine whether sale

- (12) Where, on any application under this section or in any other proceeding before the Board, a question arises as to whether a business has been sold by one employer to another, the Board shall determine the question and its decision thereon is final and conclusive for the purposes of this Act.

Application of subs. 1

- (2) Subsection 1 does not apply in respect of the sale of a business before the day on which this section comes into force and where a question arises as to whether a business has been sold by one employer to another for the purposes of this subsection, the Board shall determine the question and its decision thereon is final and conclusive.

R.S.O. 1960, c. 202, amended

**23.** *The Labour Relations Act* is amended by adding thereto the following section:

Duty of fair representation by trade union, etc.

- 51a. A trade union, or council of trade unions so long as it continues to be entitled to represent employees in a bargaining unit, shall not act in a manner that is arbitrary, discriminatory or in bad faith in the representation of any of the employees in the unit, whether or not members of the trade union or of any constituent union of the council of trade unions, as the case may be.

R.S.O. 1960, c. 202, s. 54, subs. 3, re-enacted

**24.** Subsection 3 of section 54 of *The Labour Relations Act*, is repealed and the following substituted therefor:

Threatening strike or lock-out

- (3) No employee shall threaten an unlawful strike and no employer shall threaten an unlawful lock-out of an employee.

Strike or ratification vote to be secret

- (4) A strike vote or a vote to ratify a proposed collective agreement taken by a trade union shall be by ballots cast in such a manner that a person expressing his choice cannot be identified with the choice expressed.

Opportunity to vote

- (5) Any vote mentioned in subsection 4 shall be conducted in such a manner that those entitled to vote have ample opportunity to cast their ballots.

SECTION 23. The new provision introduces a duty of fair representation on a trade union. The corresponding requirement in respect of an accredited employers' organization is included in section 41 of the Bill.

SECTIONS 24 and 26. Threatening an unlawful strike or unlawful lock-out is made an unfair labour practice.

The amendment also requires that a certification vote as well as a strike vote be by secret ballot and that those entitled to vote have ample opportunity to do so.



SECTION 25. The amendment provides that employees who have engaged in a strike have the right to reinstatement during the first six months of a strike.

SECTION 27. The new provision makes it an unfair labour practice for an employer to alter working conditions once a union has applied for certification. At present this is an unfair practice only after a trade union has been certified.

**25.** *The Labour Relations Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 202,  
amended

54a.—(1) Where an employee engaging in a lawful strike makes an unconditional application in writing to his employer within six months from the commencement of the lawful strike to return to work, the employer shall, subject to subsection 2, reinstate the employee in his former employment, on such terms as the employer and employee may agree upon, and the employer in offering terms of employment shall not discriminate against the employee by reason of his exercising or having exercised any rights under this Act. Reinstatement of  
employee

(2) An employer is not required to reinstate an employee who has made an application to return to work in accordance with subsection 1, Exceptions

(a) where the employer no longer has persons engaged in performing work of the same or similar nature to work which the employee performed prior to his cessation of work; or

(b) where there has been a suspension or discontinuance for cause of an employer's operations, or any part thereof but if the employer resumes such operations, the employer shall first reinstate those employees who have made an application under subsection 1.

**26.** Sections 55 and 56 of *The Labour Relations Act* are repealed and the following substituted therefor: R.S.O. 1960,  
c. 202,  
ss 55, 56,  
re-enacted

55. No trade union or council of trade unions shall call or authorize or threaten to call or authorize an unlawful strike and no officer, official or agent of a trade union or council of trade unions shall council, procure, support or encourage an unlawful strike or threaten an unlawful strike. Unlawful  
strike

56. No employer or employers' organization shall call or authorize or threaten to call or authorize an unlawful lock-out and no officer, official or agent of an employer or employers' organization shall counsel, procure, support or encourage an unlawful lock-out or threaten an unlawful lock-out. Unlawful  
lock-out

**27.** Section 59 of *The Labour Relations Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 202, s. 59,  
amended

(1a) Where a trade union has applied for certification and notice thereof from the Board has been received Idem

by the employer, no employer shall, except with the consent of the trade union, alter the rights, privileges or duty of the employer or the employees until,

- (a) the trade union has given notice under section 11, in which case subsection 1 applies; or
- (b) the application for certification by the trade union is dismissed or terminated by the Board, or withdrawn by the trade union.

R.S.O. 1960,  
c. 202, s. 65,  
subs. 1  
(1966, c. 76,  
s. 24, subs.  
1), amended

**28.**—(1) Subsection 1 of section 65 of *The Labour Relations Act*, as re-enacted by subsection 1 of section 24 of *The Labour Relations Amendment Act, 1966*, is amended by striking out “or” at the end of clause *a*, by adding “or” at the end of clause *b* and by adding thereto the following clause:

- (c) a trade union, council of trade unions, employer, employers’ organization, person or persons has acted in any way contrary to section 51*a*, clause *b* of subsection 2 of section 59*a*, subsection 1 or 2 of section 103, or section 104, 105 or 106.

R.S.O. 1960,  
c. 202, s. 65,  
subs. 4  
(1966, c. 76,  
s. 24, subs.  
2), cl. *a*,  
amended

(2) Clause *a* of subsection 4 of the said section 65, as re-enacted by subsection 2 of section 24 of *The Labour Relations Amendment Act, 1966* is amended by inserting after “benefits” in the sixteenth line “which compensation may be assessed against the employer, other person or trade union jointly or severally”, so that the clause shall read as follows:

- (a) if the Board is satisfied that the person concerned has been refused employment, discharged, discriminated against, threatened, coerced, intimidated or otherwise dealt with contrary to this Act as to his employment, opportunity for employment or conditions of employment by any employer or other person or a trade union, it shall determine what, if anything, the employer, other person or trade union shall do or refrain from doing with respect thereto, and such determination may include the hiring or reinstatement in employment of the person concerned, with or without compensation or compensation in lieu of hiring or reinstatement for loss of earnings and other employment benefits which compensation may be assessed against the employer, other person or trade union jointly or severally, and the employer, other person or trade union shall, notwithstanding the provisions of any collective agreement, do or abstain from doing anything required of them or any of them by the determination; or

. . . . .

SECTION 28. The amendment modifies the enforcement provisions of the Act to deal with various unfair labour practices introduced by this Bill.



(3) Subsection 4 of the said section 65, as re-enacted by <sup>R.S.O. 1960, c. 202, s. 65, subs. 4 (1966, c. 76, s. 24, subs. 1), amended</sup> subsection 2 of section 24 of *The Labour Relations Amendment Act, 1966*, is amended by striking out "or" at the end of clause *a*, by adding "or" at the end of clause *b* and by adding thereto the following clause:

- (c) if the Board is satisfied that the trade union, council of trade unions, employer, employers' organization, person or employee concerned has acted contrary to section 51*a*, clause *b* of subsection 2 of section 59*a*, subsection 1 or 2 of section 103 or section 104, 105 or 106, it shall determine what, if anything, the trade union, council of trade unions, employer, employers' organization, person or employee, shall do or refrain from doing with respect thereto, and such determination may include compensation for loss of earnings and other employment benefits and the trade union, council of trade unions, employer, employers' organization, person or employee shall, notwithstanding the provisions of any collective agreement, do or abstain from doing anything required of them or it.

(4) Subsection 5 as re-enacted by subsection 2 of section 8 <sup>R.S.O. 1960, c. 202, s. 65, subs. 5, 6 (1961-62, c. 68, s. 8, subs. 2), re-enacted</sup> of *The Labour Relations Amendment Act, 1961-62* and subsection 6 as enacted by subsection 2 of section 8 of *The Labour Relations Amendment Act, 1961-62* of the said section 65 are repealed and the following substituted therefor:

- (5) Where the trade union, council of trade unions, <sup>Enforcement of discrimination</sup> employer, employers' organization, person or employee, has failed to comply with any of the terms of the determination, any trade union, council of trade unions, employer, employers' organization, person or employee, affected by the determination may, after the expiration of fourteen days from the date of the release of the determination or the date provided in the determination for compliance, whichever is later, notify the Board in writing of such failure, and thereupon the Board shall file in the office of the Registrar of the Supreme Court a copy of the determination, exclusive of the reasons, if any, therefor, in the prescribed form, whereupon the determination shall be entered in the same way as a judgment or order of that court and is enforceable as such.
- (6) Where the matter complained of has been settled, <sup>Effect of settlement</sup> whether through the endeavours of the field officer or otherwise, and the terms of the settlement have been



put in writing and signed by the parties or their representatives, the settlement is binding upon the parties, the trade union, council of trade unions, employer, employers' organization, person or employee who have agreed to the settlement and shall be complied with according to its terms, and a complaint that the trade union, council of trade unions, employer, employers' organization, person or employee who has agreed to the settlement has not complied with the terms of the settlement shall be deemed to be a complaint under clause *a*, *b* or *c* of subsection 1 as the case may be.

R.S.O. 1960,  
c. 202,  
amended

**29.** *The Labour Relations Act* is amended by adding thereto the following section:

"Person"  
defined for  
purposes of  
ss. 59*a*, and  
65

65*a*. For the purposes of section 59*a* and any complaint made under section 65, "person" includes any person otherwise excluded by subsection 3 of section 1.

R.S.O. 1960,  
c. 202, s. 66  
(1966, c. 76,  
s. 25),  
subs. 1,  
amended

**30.**—(1) Subsection 1 of section 66 of *The Labour Relations Act*, as re-enacted by section 25 of *The Labour Relations Amendment Act, 1966*, is amended by striking out "employees" in the sixth line, the seventh line, the ninth and tenth lines and the eleventh line and inserting in lieu thereof in each instance "persons", and by striking out "employee" in the fifteenth line and inserting in lieu thereof "person", so that the subsection shall read as follows:

Jurisdic-  
tional  
disputes

(1) The Board may inquire into a complaint that a trade union or council of trade unions, or an officer, official or agent of a trade union or council of trade unions, was or is requiring an employer or an employers' organization to assign particular work to persons in a particular trade union or in a particular trade, craft or class rather than to persons in another trade union or in another trade, craft or class, or that an employer was or is assigning work to persons in a particular trade union rather than to persons in another trade union, and it shall direct what action, if any, the employer, the employers' organization, the trade union or the council of trade unions or any officer, official or agent of any of them or any person shall do or refrain from doing with respect to the assignment of work.

R.S.O. 1960,  
c. 202, s. 66  
(1966, c. 76,  
s. 25),  
amended

(2) The said section 66 is amended by adding thereto the following subsection:

Scope of  
Board's  
direction

(1*a*) The Board may in any direction made under subsection 1 provide that it shall be binding on the

SECTION 29. Protection from retaliation is provided for witnesses appearing before the Board even though the witnesses are not otherwise covered by the Act.

SECTION 30—Subsection 1. The amendment gives the Board the power to deal with jurisdictional disputes where the employer does not employ members of both the competing trade unions.

Subsection 2. The amendment authorizes the Board to make decisions of general application to the parties.

Subsections 3, 4 and 5. Machinery is created for the private settlement of jurisdictional disputes.

parties for other jobs then in existence or undertaken in the future in such geographic area as the Board may deem advisable.

(3) The said section 66 is further amended by adding thereto the following subsections:

R.S.O. 1960,  
c. 202, s. 66  
(1966, c. 76,  
s. 25),  
amended

- (1b) Where a trade union, council of trade unions, employer or employers' organization referred to in subsection 1 of section 108 files a complaint under subsection 1 and if each party affected by the complaint has designated a jurisdictional representative as provided under section 108, the Registrar or such other person as may be designated by the chairman shall immediately notify the respective designated jurisdictional representatives by telephone and telegram of the filing of the complaint.
- (1c) The designated jurisdictional representatives involved shall forthwith meet and endeavour to effect a settlement of the matters complained of and shall report the results of their endeavours to the Board within fourteen days from the day of the filing of the complaint.
- (1d) Where the designated jurisdictional representatives unanimously agree to a settlement of the matter complained of, it shall be reduced to writing, signed by the respective representatives and filed with the Board within the time set by subsection 1c.
- (1e) Where a settlement is filed with the Board under subsection 1d, the Board, after such consultation with the designated jurisdictional representatives as it deems advisable in order to clarify the terms of the settlement, shall embody the settlement and any agreed to changes necessary for its clarification in the form of a direction under subsection 1 and shall file it in the prescribed form in the office of the Registrar of the Supreme Court, whereupon the direction shall be entered in the same way as a judgment or order of that court.
- (1f) Where the designated jurisdictional representatives are notified under subsection 1b, the Board shall not, except as provided in subsection 2, proceed with the inquiry referred to in subsection 1 until the expiry of the fourteen day period referred to in subsection 1c.

Notice to  
jurisdictional  
representa-  
tives

Meeting of  
jurisdictional  
representa-  
tives

Filing of  
settlement  
with Board

Filing of  
settlement  
in S.C.O.

Time of  
inquiry

R.S.O. 1960,  
c. 202, s. 66  
(1966, c. 76,  
s. 25),  
subs. 7,  
amended

(4) Subsection 7 of the said section 66 is amended by striking out "Notwithstanding subsections 1 and 2" in the first line, so that the subsection shall read as follows:

Postpone-  
ment of  
inquiry

(7) Where a trade union or a council of trade unions and an employer or an employers' organization have made an arrangement to resolve any differences between them arising from the assignment of work, the Board may, upon such terms and conditions as it may fix, postpone inquiring into a complaint under this section until the difference has been dealt with in accordance with such arrangement.

R.S.O. 1960,  
c. 202, s. 66  
(1966, c. 76,  
s. 25),  
subs. 8,  
amended

(5) Subsection 8 of the said section 66 is amended by striking out "No complaint under this section may be" in the first line and inserting in lieu thereof "The Board shall not inquire into a complaint", so that the subsection shall read as follows:

Where no  
complaint  
may be  
made

(8) The Board shall not inquire into a complaint made by a trade union, council of trade unions, employer or employers' organization that has entered into a collective agreement that contains a provision requiring the reference of any difference between them arising out of work assignment to a tribunal mutually selected by them with respect to any difference as to work assignment that can be resolved under the collective agreement, and such trade union, council of trade unions, employer or employers' organization shall do or abstain from doing anything required of it by the decision of such tribunal.

R.S.O. 1960,  
c. 202,  
amended

**31.** *The Labour Relations Act* is amended by adding thereto the following section:

Notice of  
claim for  
damages  
after  
unlawful  
strike or  
lock-out  
where no  
collective  
agreement

68a.—(1) Where the Board declares that a trade union or council of trade unions has called or authorized an unlawful strike or that an employer or employers' organization has called or authorized an unlawful lock-out and no collective agreement is in operation between the trade union or council of trade unions and the employer or employers' organization, as the case may be, the trade union or council of trade unions or employer or employers' organization, may within fifteen days of the release of the Board's declaration, but not thereafter, notify the employer or employers' organization or trade union or council of trade unions, as the case may be, in writing of its intention to claim damages for the unlawful strike or

SECTION 31. The new provision provides for arbitration of damages resulting from an unlawful strike or lock-out where there is no collective agreement between the trade union and employer.



SECTION 32. The maximum penalties for contravention of the Act are increased.

lock-out, and the notice shall contain the name of its appointee to an arbitration board.

- (2) The recipient of the notice shall within five days <sup>Appointment of arbitration board</sup> inform the sender of the notice of the name of its appointee to the arbitration board.
- (3) The two appointees so selected shall, within five <sup>Idem</sup> days of the appointment of the second of them, appoint a third person who shall be the chairman.
- (4) If the recipient of the notice fails to name an ap- <sup>Idem</sup> pointee, or if the two appointees fail to agree upon a chairman within the time limited, the appointment shall be made by the Minister upon the request of either party.
- (5) The arbitration board shall hear and determine the <sup>Decision of arbitration board</sup> claim for damages including any question as to whether the claim is arbitrable and shall issue a decision and the decision is final and binding upon the parties to the arbitration, and,
  - (a) in the case of a council of trade unions, upon the members of affiliates of the council who are affected by the decision; and
  - (b) in the case of an employers' organization, upon the employers in the organization who are affected by the decision.
- (6) The decision of a majority is the decision of the <sup>Idem</sup> arbitration board, but if there is no majority the decision of the chairman governs.
- (7) The chairman and members of the arbitration <sup>Renumeration of members of board</sup> board under this section shall be paid remuneration and expenses at the same rate as is payable to a chairman and members of a conciliation board under this Act, and the parties to the arbitration are jointly and severally liable for the payment of such fees and expenses.
- (8) In an arbitration under this section, subsections 5, <sup>Procedure of board</sup> 6, 7, 9 and 10 of section 34 apply *mutatis mutandis*.

**32.** Clauses *a* and *b* of subsection 1 of section 69 of *The Labour Relations Act* are repealed and the following substituted <sup>R.S.O. 1960, c. 202, s. 69, subs. 1, cls. a, b, re-enacted</sup> therefor:

- (a) if an individual, to a fine of not more than \$1,000; or

- (b) if a corporation, trade union, council of trade unions or employers' organization, to a fine of not more than \$10,000.

R.S.O. 1960,  
c. 202, s. 73  
(1966, c. 76,  
s. 26),  
amended

**33.** Section 73 of *The Labour Relations Act*, as re-enacted by section 26 of *The Labour Relations Amendment Act, 1966*, is amended by inserting after "66" in the fifth line "or a direction of the Board under section 107", and by inserting after "board" in the sixth line "including a decision under section 68a", so that the section shall read as follows:

Proceedings  
in S.C.O.

73. Where a trade union, a council of trade unions or an unincorporated employers' organization is affected by a determination of the Board under section 65, an interim order or direction of the Board under section 66 or a direction of the Board under section 107 or a decision of an arbitrator or arbitration board including a decision under section 68a, proceedings to enforce the determination, interim order, direction or decision may be instituted in the Supreme Court by or against such union, council or organization in the name of the union, council or organization, as the case may be.

R.S.O. 1960,  
c. 202, s. 75,  
subs. 3a  
(1961-62,  
c. 68, s. 10,  
subs. 1),  
amended

**34.—**(1) Subsection 3a of section 75 of *The Labour Relations Act*, as enacted by subsection 1 of section 10 of *The Labour Relations Amendment Act, 1961-62*, is amended by striking out "96" in the fifth line and inserting in lieu thereof "108", so that the subsection shall read as follows:

Construction  
industry  
division

- (3a) One of the divisions of the Board shall be designated by the chairman as the construction industry division, and it shall exercise the powers of the Board under this Act in proceedings to which sections 90 to 108 apply, but nothing in this subsection impairs the authority of any other division to exercise such powers.

R.S.O. 1960,  
c. 202, s. 75,  
amended

(2) The said section 75 is amended by adding thereto the following subsection:

Resignation  
of member

- (4a) Where a member of the Board resigns, he may carry out and complete any duties or responsibilities and exercise any powers that he would have had if he had not ceased to be a member, in connection with any matter in respect of which there was any proceeding in which he participated as a member of the Board.

R.S.O. 1960,  
c. 202, s. 75,  
subs. 8,  
re-enacted

(3) Subsection 8 of the said section 75 is repealed and the following substituted therefor:

SECTION 33. Complementary to sections 31 and 41 of this Bill.

SECTION 34—Subsections 1 and 4. Complementary to section 41 of this Bill.

Subsection 2. The amendment ensures continuity of procedures where a Board member resigns.

Subsection 3. The provision clarifies what constitutes a deciding vote of the Board.

Section 35—Subsection 1. Complementary to section 41 of this Bill.

Subsection 2. The new provisions authorize the Board to order additional representation votes in certain circumstances.

- (8) The decision of the majority of the members of the Board present and constituting a quorum is the decision of the Board, but, if there is no majority, the decision of the chairman or vice-chairman governs. Decisions

(4) Subsection 9a of the said section 75, as enacted by subsection 3 of section 10 of *The Labour Relations Amendment Act, 1961-62* and amended by section 9 of *The Labour Relations Amendment Act, 1964* is further amended by striking out "96" in the third line and inserting in lieu thereof "108", so that the subsection shall read as follows: R.S.O. 1960,  
c. 202, s. 75,  
subs. 9a  
(1961-62,  
c. 68, s. 10,  
subs. 3),  
amended

- (9a) The Board may, subject to the approval of the Lieutenant Governor in Council, make rules to expedite proceedings before the Board to which sections 90 to 108 apply, and such rules may provide that, for the purposes of determining the merits of an application for certification to which sections 90 to 92 apply, the Board shall make or cause to be made such examination of records and such other inquiries as it deems necessary, but the Board need not hold a hearing on such an application. Rules  
applicable  
to con-  
struction  
industry

**35.**—(1) Subsection 2 of section 77 of *The Labour Relations Act* is amended by adding thereto the following clause: R.S.O. 1960,  
c. 202, s. 77,  
subs. 2,  
amended

- (k) to determine the form in which and the time as of which evidence of representation by an employers' organization or of objection by employers to accreditation of an employers' organization or of signification by employers that they no longer wish to be represented by an employers' organization shall be presented to the Board in an application for accreditation or for a declaration terminating bargaining rights of an employers' organization and to refuse to accept any evidence of representation or objection or signification that is not presented in the form and as of the time so determined.

(2) The said section 77 is amended by adding thereto the following subsections: R.S.O. 1960,  
c. 202, s. 77,  
amended

- (5) Where the Board determines that a representation vote is to be taken amongst the employees in a bargaining unit or voting constituency, the Board may hold such additional representation votes as it considers necessary to determine the true wishes of the employees. Additional  
votes

- (6) Where, in the taking of a representation vote, the Board determines that the employees are to be given a choice between two or more trade unions, Idem



- (a) the Board may include on a ballot a choice indicating that an employee does not wish to be represented by a trade union; and
- (b) the Board, when it decides to hold such additional representation votes as may be necessary, may eliminate from the choice on the ballot the choice from the previous ballot that has obtained the lowest number of votes cast.

R.S.O. 1960,  
c. 202, s. 79a  
subs. 2  
(1966, c. 76,  
s. 33),  
amended

**36.** Subsection 2 of section 79a of *The Labour Relations Act*, as enacted by section 33 of *The Labour Relations Amendment Act, 1966*, is amended by striking out "10" in the fifth line and inserting in lieu thereof "11".

R.S.O. 1960,  
c. 202, s. 85,  
subs. 2,  
re-enacted

**37.**—(1) Subsection 2 of section 85 of *The Labour Relations Act* is repealed and the following substituted therefor:

Time of  
making  
certain  
applications

- (2) An application for certification or accreditation or for a declaration that a trade union or employers' organization no longer represents the employees or employers, as the case may be, in a bargaining unit, if sent by registered mail addressed to the Board at Toronto, shall be deemed to have been made on the date on which it was so mailed.

R.S.O. 1960,  
c. 202, s. 85,  
subs. 4  
(1966, c. 76,  
s. 35),  
amended

(2) Subsection 4 of the said section 85, as enacted by section 35 of *The Labour Relations Amendment Act, 1966*, is amended by inserting after "66" in the fourth line "or a direction of the Board under section 107" and by inserting after "board" in the fifth line "including a decision under section 68a", so that the subsection shall read as follows:

Failure  
to receive  
documents  
a defence

- (4) Proof by a person, employers' organization, trade union or council of trade unions of failure to receive a determination under section 65 or an interim order or direction under section 66 or a direction of the Board under section 107, or a decision of an arbitrator or of an arbitration board including a decision under section 68a sent by mail to such person, employers' organization, trade union or council of trade unions addressed to him or it at his or its last-known address is a defence by such person, employers' organization, trade union or council of trade unions to an application for consent to institute a prosecution or to any proceedings to enforce as a judgment or order of the Supreme Court such determination, interim order, direction or decision.

R.S.O. 1960,  
c. 202, s. 88,  
cl. f,  
amended

**38.** Clause f of section 88 of *The Labour Relations Act* is amended by striking out "and 66" in the third line and insert-

SECTION 36. Complementary to subsection 1 of section 22 of this Bill.

SECTION 37—Subsection 1. Complementary to section 41 of this Bill.

Subsection 2. Complementary to sections 31 and 41 of this Bill.

SECTION 38. Complementary to sections 31 and 41 of this Bill.

SECTIONS 39, 40 and 41. The new provisions provide for the accreditation of employers' organizations in the construction industry as bargaining agents for units of employers.

Section 107 of the Act as added by section 41 of the Bill authorizes the Board to make directions where an unlawful strike or lock-out is called or threatened in the construction industry. The new section 108 is complementary to subsections 3 and 4 of section 30 of this Bill.

ing in lieu thereof “66, 68a and 107”, so that the clause shall read as follows:

- (f) prescribing forms and providing for their use, including the form in which the documents mentioned in sections 34, 65, 66, 68a and 107 shall be filed in the Supreme Court.

**39.** Section 90 of *The Labour Relations Act*, as enacted by R.S.O. 1960, c. 202, s. 90, section 16 of *The Labour Relations Amendment Act, 1961-62*, (1961-62, c. 68, s. 16), is repealed and the following substituted therefor: re-enacted

90. In this section and in sections 91 to 108,

Interpreta-  
tion

- (a) “council of trade unions” means a council that is formed for the purpose of representing or that according to established bargaining practice represents trade unions as defined in clause f;
- (b) “employee” includes an employee engaged in whole or in part in off-site work but who is commonly associated in his work or bargaining with on-site employees.
- (c) “employer” means a person who operates a business in the construction industry, and for purposes of an application for accreditation means an employer for whose employees a trade union or council of trade unions affected by the application has bargaining rights in a particular geographic area and sector or areas or sectors or parts thereof;
- (d) “employers’ organization” means an organization that is formed for the purpose of representing or represents employers as defined in clause c;
- (e) “sector” means a division of the construction industry as determined by work characteristics and includes the industrial, commercial and institutional sector, the residential sector, the sewers, tunnels and watermains sector, the roads sector, the heavy engineering sector, the pipeline sector and the electrical power systems sector;
- (f) “trade union” means a trade union that according to established trade union practice pertains to the construction industry.

R.S.O. 1960,  
c. 202, s. 91  
(1961-62,  
c. 68, s. 16),  
amended

**40.** Section 91 of *The Labour Relations Act*, as enacted by section 16 of *The Labour Relations Amendment Act, 1961-62* and amended by section 38 of *The Labour Relations Amendment Act, 1966*, is further amended by striking out "96" in the second line and in the third line and inserting in lieu thereof in each instance "108", so that the section shall read as follows:

Conflict

91. Where there is conflict between any provision in sections 92 to 108 and any provision in sections 5 to 43 and 47 to 88, the provisions in sections 92 to 108 prevail.

R.S.O. 1960,  
c. 202,  
amended

**41.** *The Labour Relations Act* is amended by adding thereto the following sections:

Accredita-  
tion of  
employers'  
organization

97. Where a trade union or council of trade unions has been certified or has been granted voluntary recognition, under section 13, as the bargaining agent for a unit of employees of more than one employer in the construction industry or where a trade union or council of trade unions has entered into collective agreements with more than one employer covering a unit of employees in the construction industry, an employers' organization may apply to the Board to be accredited as the bargaining agent for all employers in a particular sector of the industry and in the geographic area described in the said certificates, voluntary recognition documents or collective agreements, as the case may be.

Board to  
determine  
appropriate-  
ness of unit

98.—(1) Upon an application for accreditation, the Board shall determine the unit of employers that is appropriate for collective bargaining in a particular geographic area and sector, but the Board need not confine the unit to one geographic area or sector but may, if it considers it advisable, combine areas or sectors or both or parts thereof.

Idem

(2) The unit of employers shall comprise all employers as defined in clause *c* of section 90 in the geographic area and sector determined by the Board to be appropriate.

Determi-  
nations by  
Board

99.—(1) Upon an application for accreditation the Board shall ascertain,

(a) the number of employers in the unit of employers on the date of the making of the application who have within one year prior to such date had employees in their employ



for whom the trade union or council of trade unions has bargaining rights in the geographic area and sector determined by the Board to be appropriate;

- (b) the number of employers in clause *a* represented by the employers' organization on the date of the making of the application; and
- (c) the number of employees of employers in clause *a* on the payroll of each such employer for the weekly payroll period immediately preceding the date of the application or if, in the opinion of the Board, such payroll period is unsatisfactory for any one or more of the employers in clause *a*, such other weekly payroll period for any one or more of the said employers as the Board considers advisable.

(2) If the Board is satisfied,

Accreditation

- (a) that a majority of the employers in clause *a* of subsection 1 are represented by the employers' organization; and
- (b) that such majority of employers employed a majority of the employees in clause *c* of subsection 1,

the Board, subject to subsection 3, shall accredit the employers' organization as the bargaining agent of the employers in the unit of employers and for such other employers for whose employees the trade union or council of trade unions may, after the date of the making of the application, obtain bargaining rights through certification or voluntary recognition in the appropriate geographic area and sector.

- (3) Before accrediting an employers' organization under subsection 2, the Board shall satisfy itself that the employers' organization is a properly constituted organization and that each of the employers whom it represents has vested appropriate authority in the organization to enable it to discharge the responsibilities of an accredited bargaining agent.

Authority of employers' organization

- (4) Where the Board is of the opinion that appropriate authority has not been vested in the employers' organization, the Board may postpone disposition of the application to enable employers represented by the organization to vest such additional or other authority in the organization as the Board considers necessary.

Idem



What  
employers'  
organization  
not to be  
accredited

- (5) The Board shall not accredit any employers' organization if any trade union or council of trade unions has participated in its formation or administration or has contributed financial or other support to it or if it discriminates against any person because of his race, creed, colour, nationality, ancestry or place of origin.

Effect of  
accreditation

- 100.—(1) Upon accreditation, all rights, duties and obligations under this Act of employers for whom the accredited employers' organization is or becomes the bargaining agent apply *mutatis mutandis* to the accredited employers' organization.

Effect of  
accreditation  
on collective  
agreements

- (2) Upon accreditation, any collective agreement in operation between the trade union or council of trade unions and any employer in clause *a* of subsection 1 of section 99 is binding on the parties thereto only for the remainder of the term of operation of the agreement, regardless of any provision therein respecting its renewal.

Idem

- (3) When any collective agreement mentioned in subsection 2 ceases to operate, the employer shall thereupon be bound by any collective agreement then in existence between the trade union or council of trade unions and the accredited employers' organization or subsequently entered into by the said parties.

Idem

- (4) Where, after the date of the making of an application for accreditation, the trade union or council of trade unions obtains bargaining rights for the employees of an employer through certification or voluntary recognition, that employer is bound by any collective agreement in existence at the time of the certification or voluntary recognition between the trade union or council of trade unions and the applicant employers' organization or subsequently entered into by the said parties.

Idem

- (5) A collective agreement between a trade union or council of trade unions and an employer who, but for the one-year requirement, would have been included in clause *a* of subsection 1 of section 99 is binding on the parties thereto only for the remainder of the term of operation of the agreement regardless of any provisions therein respecting its renewal.

- (6) When any collective agreement mentioned in subsection 5 ceases to operate, the employer shall thereupon be bound by any collective agreement then in existence between the trade union or council of trade unions and the accredited employers' organization or subsequently entered into by the said parties. <sup>Idem</sup>
- (7) Where, under the provisions of this section, an employer becomes bound by a collective agreement between a trade union or council of trade unions and an accredited employers' organization after the said agreement has commenced to operate, the agreement ceases to be binding on the employer in accordance with the terms thereof, notwithstanding subsection 1 of section 39. <sup>Application of s. 39, subs. 1</sup>
- 101.—(1) Subsections 1 and 2 of section 38 do not apply to an accredited employers' organization. <sup>Application of s. 38, subss. 1, 2</sup>
- (2) A collective agreement between an accredited employers' organization and a trade union or council of trade unions is, subject to and for the purposes of this Act, binding upon the accredited employers' organization and the trade union or council of trade unions, as the case may be, and upon each employer in the unit of employers represented by the accredited employers' organization at the time the agreement was entered into and upon such other employers as may subsequently be bound by the said agreement, as if it was made between each of such employers and the trade union or council of trade unions and, if any such employer ceases to be represented by the accredited employers' organization during the term of operation of the agreement, the employer shall, for the remainder of the term of operation of the agreement, be deemed to be a party to a like agreement with the trade union or council of trade unions. <sup>Binding effect of collective agreement on employer</sup>
- (3) A collective agreement between an accredited employers' organization and a trade union or council of trade unions is binding on the employees in the bargaining unit defined in the agreement of any employer bound by the collective agreement. <sup>Binding effect of collective agreement on employees</sup>
- 102.—(1) If an accredited employers' organization does not make a collective agreement with the trade union or council of trade unions, as the case may be, within one year after its accreditation, any of the employers in the unit of employers determined in the <sup>Termination of accreditation</sup>

accreditation certificate may apply to the Board only during the two months following the said one year for a declaration that the accredited employers' organization no longer represents the employers in the unit of employers.

Idem

- (2) Any of the employers in the unit of employers defined in a collective agreement between an accredited employers' organization and a trade union or council of trade unions, as the case may be, may apply to the Board only during the last two months of its operation for a declaration that the accredited employers' organization no longer represents the employers in the unit of employers.

Deter-  
mination by  
Board

- (3) Upon an application under subsection 1 or 2, the Board shall ascertain,
  - (a) the number of employers in the unit of employers on the date of the making of the application;
  - (b) the number of employers in the unit of employers who, within the two-month period immediately preceding the date of making of the application, have voluntarily signified in writing that they no longer wish to be represented by the accredited employers' organization; and
  - (c) the number of employees affected by the application of employers in the unit of employers on the payroll of each such employer for the weekly payroll period immediately preceding the date of the making of the application or if, in the opinion of the Board, such payroll period is unsatisfactory for any one or more of the employers in clause *a*, such other weekly payroll period for any one or more of the said employers as the Board considers advisable.

Declaration  
by Board

- (4) If the Board is satisfied,
  - (a) that a majority of the employers in clause *a* of subsection 3 has voluntarily signified in writing that they no longer wish to be represented by the accredited employers' organization; and

- (b) that such majority of employers employed a majority of the employees in clause *c* of subsection 3,

the Board shall declare that the employers' organization that was accredited or that was or is a party to the collective agreement, as the case may be, no longer represents the employers in the unit of employers.

- (5) Upon an application under subsections 1 or 2, when the employers' organization informs the Board that it does not desire to continue to represent the employers in the unit of employers, the Board may declare that the employers' organization no longer represents the employers in the unit. Declaration of termination on abandonment

- (6) Upon the Board making a declaration under subsection 4 or 5, Effect of declaration

(a) any collective agreement in operation between the trade union or council of trade unions and the employers' organization that is binding upon the employers in the unit of employers ceases to operate forthwith;

(b) all rights, duties and obligations under this Act of the employers' organization revert *mutatis mutandis* to the individual employers represented by the employers' organization; and

(c) the trade union or council of trade unions, as the case may be, is entitled to give to any employer in the unit of employers a written notice of its desire to bargain with a view to making a collective agreement, and such notice has the same effect as a notice under section 11.

- 103.—(1) No trade union or council of trade unions that has bargaining rights for employees of employers represented by an accredited employers' organization and no such employer or person acting on behalf of such employer, trade union or council of trade unions shall, so long as the accredited employers' organization continues to be entitled to represent the employers in a unit of employers, bargain with each other with respect to such employees or enter Individual bargaining prohibited



into a collective agreement designed or intended to be binding upon such employees and if any such agreement is entered into it is void.

Agreements to provide employees during lawful strike or lock-out prohibited

- (2) No trade union or council of trade unions that has bargaining rights for employees of employers represented by an accredited employers' organization and no such employer or person acting on behalf of the employer, trade union or council of trade unions shall, so long as the accredited employers' organization continues to be entitled to represent the employers in a unit of employers, enter into any agreement or understanding, oral or written, which provides for the supply of employees during a legal strike or lock-out, and if any such agreement or understanding is entered into it is void and no such trade union or council of trade unions or person shall supply such employees to the employer.

Saving

- (3) Nothing in this Act prohibits an employer, represented by an accredited employers' organization, from continuing or attempting to continue his operations during a strike or lock-out involving employees of employers represented by the accredited employers' organization.

Duty of fair representation by employers' organization

104. An accredited employers' organization, so long as it continues to be entitled to represent employers in a unit of employers, shall not act in a manner that is arbitrary, discriminatory or in bad faith in the representation of any of the employers in the unit, whether members of the accredited employers' organization or not.

Membership in employers' organization

105. Membership in an accredited employers' organization shall not be denied or terminated except for cause which, in the opinion of the Board, is fair and reasonable.

Fees

106. An accredited employers' organization shall not charge, levy or prescribe initiation fees, dues or assessments which, in the opinion of the Board, are unreasonable or discriminatory.

Direction by Board re unlawful strike

- 107.—(1) Where on the complaint of an interested person, trade union, council of trade unions or employers' organization the Board is satisfied that a trade union or council of trade unions called or authorized or threatened to call or authorize an unlawful strike or that an officer, official or agent of a trade union or council of trade unions counselled or procured or supported or encouraged an unlawful

strike or threatened an unlawful strike, or that employees engaged in or threatened to engage in an unlawful strike, it may direct what action if any a person, employee, employer, employers' organization, trade union or council of trade unions and their officers, officials or agents shall do or refrain from doing with respect to the unlawful strike or the threat of an unlawful strike.

- (2) Where on the complaint of an interested person, trade union, council of trade unions or employers' organization the Board is satisfied that an employer or employers' organization called or authorized or threatened to call or authorize an unlawful lock-out or locked out or threatened to lock out employees or that an officer, official or agent of an employer or employers' organization counselled or procured or supported or encouraged an unlawful lock-out or threatened an unlawful lock-out, it may direct what action if any a person, employee, employer, employers' organization, trade union or council of trade unions and their officers, officials or agents shall do or refrain from doing with respect to the unlawful lock-out or the threat of an unlawful lock-out.

Direction by  
Board re  
unlawful  
lock-out

- (3) The Board shall file in the office of the Registrar of the Supreme Court a copy of a direction made under this section, exclusive of the reasons therefor, in the prescribed form, whereupon the direction shall be entered in the same way as a judgment or order of that court.

Enforcement  
of direction  
by S.C.O.

- 108.—(1) Every trade union, council of trade unions, employer and employers' organization in the construction industry shall, on or before the 1st day of April, 1971, or within fifteen days after it has entered into a collective agreement, whichever is later, file with the Board a notice in the prescribed form giving the name and address of a person resident in Ontario who is authorized by the trade union, council of trade unions, employer or employers' organization to act as a designated jurisdictional representative in the event of a dispute as to the assignment of work.

Designation  
of  
jurisdictional  
representa-  
tive

- (2) Whenever a trade union, council of trade unions, employer or employers' organization changes the authorization referred to in subsection 1 it shall file with the Board notice thereof in the prescribed form within fifteen days after making such change.

Idem



- Idem (3) Where a trade union, council of trade unions, employer or employers' organization files a complaint under subsection 1 of section 66 and it has not complied with subsection 1 or 2, it shall file the required notice with the complaint.
- Commence-  
ment **42.**—(1) This Act, except section 15 and subsection 3 of section 30, comes into force on a day to be named by the Lieutenant Governor by his proclamation.
- Idem (2) Section 15 comes into force on the 1st day of July, 1972.
- Idem (3) Subsection 3 of section 30 comes into force on the 1st day of April, 1971.
- Short title **43.** This Act may be cited as *The Labour Relations Amendment Act, 1970 (No. 2)*.



An Act to amend  
The Labour Relations Act

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*1st Reading*

June 22nd, 1970

*2nd Reading*

October 8th, 1970

*3rd Reading*

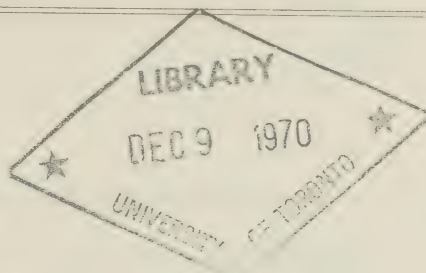
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MR. BALES

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(Reprinted as amended by the  
Committee of the Whole House)

3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970



**An Act to amend The Labour Relations Act**

MR. BALES

TORONTO

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BILL 167

1970

## An Act to amend The Labour Relations Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Labour Relations Act* is amended by adding thereto the following preamble: R.S.O. 1960,  
c. 202,  
amended

WHEREAS it is in the public interest of the Province of Ontario to further harmonious relations between employers and employees by encouraging the practice and procedure of collective bargaining between employers and trade unions as the freely designated representatives of employees.

**2.—(1)** Subsection 1 of section 1 of *The Labour Relations Act* is amended by relettering clause *a* as clause *aa* and by adding thereto the following clause: R.S.O. 1960,  
c. 202,  
s. 1, subs. 1,  
amended

(a) “accredited employers’ organization” means an organization of employers that is accredited under this Act as the bargaining agent for a unit of employers.

(2) Clause *f* of subsection 1 of the said section 1 is amended by adding at the end thereof “and includes an accredited employers’ organization”, so that the clause shall read as follows: R.S.O. 1960,  
c. 202,  
s. 1, subs. 1,  
cl. *f*,  
amended

(f) “employers’ organization” means an organization of employers formed for purposes that include the regulation of relations between employers and employees and includes an accredited employers’ organization.

(3) Subsection 1 of the said section 1 is further amended by adding thereto the following clause: R.S.O. 1960,  
c. 202, s. 1,  
subs. 1,  
amended

(*ha*) “professional engineer” means an employee who is a member of the engineering profession entitled to practise in Ontario and employed in a professional capacity.



R.S.O. 1960,  
c. 202,  
s. 1, subs. 3,  
amended

- (4) Subsection 3 of the said section 1, as amended by subsection 2 of section 1 of *The Labour Relations Amendment Act, 1961-62*, is further amended by inserting at the commencement thereof "Subject to section 65a", so that the subsection, exclusive of the clauses, shall read as follows:

Idem

- (3) Subject to section 65a, for the purposes of this Act no person shall be deemed to be an employee,

. . . . .

R.S.O. 1960,  
c. 202, s. 1,  
subs. 3, cl. a,  
amended

- (5) Clause a of subsection 3 of the said section 1, as amended by subsection 2 of section 1 of *The Labour Relations Amendment Act, 1961-62* is further amended by striking out "engineering" in the first and second lines, so that the clause shall read as follows:

- (a) who is a member of the architectural, dental, land surveying, legal or medical profession entitled to practise in Ontario and employed in a professional capacity; or

. . . . .

R.S.O. 1960,  
c. 202, s. 1,  
amended

- (6) The said section 1 is amended by adding thereto the following subsection:

Idem

- (4) Where, in the opinion of the Board, associated or related activities or businesses are carried on by or through more than one corporation, individual, firm, syndicate or association, or any combination thereof, under common control or direction, the Board may treat the corporations, individuals, firms, syndicates or associations or any combination thereof as constituting one employer for the purposes of this Act.

R.S.O. 1960,  
c. 202, s. 5,  
amended

- 3.** Section 5 of *The Labour Relations Act*, as amended by section 2 of *The Labour Relations Amendment Act, 1966*, is further amended by adding thereto the following subsection:

Idem

- (1b) Where an employer and a trade union agree that the employer recognizes the trade union as the exclusive bargaining agent of the employees in a defined bargaining unit and the agreement is in writing signed by the parties and the parties have not entered into a collective agreement and the Board has not made a declaration under section 45a, another trade union may, subject to section 46, apply to the Board for certification as bargaining agent of any of the employees in the bargaining unit

defined in the recognition agreement only after the expiration of one year from the date that the recognition agreement was entered into.

4.—(1) Subsection 2 of section 6 of *The Labour Relations Act* is amended by adding at the end thereof “or where the group of employees is exercising a combination of technical skills or is required to perform the skills in whole or in part of more than one craft as part of a work crew or team, the other members of which are also required to perform in similar fashion”, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 202, s. 6,  
subs. 2,  
amended

- (2) Any group of employees who exercise technical skills or who are members of a craft by reason of which they are distinguishable from the other employees and commonly bargain separately and apart from other employees through a trade union that according to established trade union practice pertains to such skills or craft shall be deemed by the Board to be a unit appropriate for collective bargaining if the application is made by a trade union pertaining to such skills or craft, and the Board may include in such unit persons who according to established trade union practice are commonly associated in their work and bargaining with such group, but the Board shall not be required to apply this subsection where the group of employees is included in a bargaining unit represented by another bargaining agent at the time the application is made, or where the group of employees is exercising a combination of technical skills or is required to perform the skills in whole or in part of more than one craft as part of a work crew or team, the other members of which are also required to perform in similar fashion.

Craft units

(2) The said section 6 is amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 202, s. 6,  
amended

- (3) A bargaining unit consisting solely of professional engineers shall be deemed by the Board to be a unit of employees appropriate for collective bargaining, but, the Board may include professional engineers in a bargaining unit with other employees if the Board is satisfied that a majority of such professional engineers wish to be included in such bargaining unit.

Unit of  
professional  
engineers

5.—(1) Subsection 2 of section 7 of *The Labour Relations Act* is amended by striking out “45” in the first line and inserting in lieu thereof “35”, and by striking out “55” in

R.S.O. 1960,  
c. 202, s. 7,  
subs. 2,  
amended

the second line and in the fourth line and inserting in lieu thereof in each instance "65", so that the subsection shall read as follows:

Representa-  
tion vote

- (2) If the Board is satisfied that not less than 35 per cent and not more than 65 per cent of the employees in the bargaining unit are members of the trade union, the Board shall, and if the Board is satisfied that more than 65 per cent of such employees are members of the trade union, the Board may, direct that a representation vote be taken.

R.S.O. 1960,  
c. 202, s. 7,  
subs. 3,  
re-enacted,  
subs. 4,  
repealed

- (2) Subsections 3 and 4 of the said section 7 are repealed and the following substituted therefor:

Certification  
after vote

- (3) If on the taking of a representation vote more than 50 per cent of the ballots cast are cast in favour of the trade union, and in other cases, if the Board is satisfied that more than 65 per cent of the employees in the bargaining unit are members of the trade union, the Board shall certify the trade union as the bargaining agent of the employees in the bargaining unit.

Application  
of section

- (3) This section does not apply in respect of applications for certification made before this section comes into force.

R.S.O. 1960,  
c. 202, s. 8,  
subs. 2,  
amended

- 6.—**(1) Subsection 2 of section 8 of *The Labour Relations Act* is amended by striking out "45" in the fourth line and inserting in lieu thereof "35", so that the subsection shall read as follows:

Voting  
constituency

- (2) Upon such a request being made, the Board may determine a voting constituency and, if it appears to the Board on an examination of the records of the trade union and the records of the employer that not less than 35 per cent of the employees in the voting constituency were members of the trade union at the time the application was made, the Board may direct that a representation vote be taken among the employees in the voting constituency.

R.S.O. 1960,  
c. 202, s. 8,  
subs. 4,  
amended

- (2) Subsection 4 of the said section 8 is amended by striking out "45" in the fourth line and inserting in lieu thereof "35", so that the subsection shall read as follows:

Effect of  
pre-hearing  
vote

- (4) After a representation vote has been taken under subsection 2, the Board shall determine the unit of employees that is appropriate for collective bargaining and, if it is satisfied that not less than 35

per cent of the employees in such bargaining unit were members of the trade union at the time the application was made, the representation vote taken under subsection 2 has the same effect as a representation vote taken under subsection 2 of section 7.

(3) This section does not apply in respect of applications for certification made before this section comes into force. Application of section

7. *The Labour Relations Act* is amended by adding thereto the following section: R.S.O. 1960, c. 202, amended

8b. Where employees of an employer reside on the property of the employer, or on property to which the employer has the right to control access, the employer shall, upon a direction from the Board, allow the representative of a trade union access to the property on which the employees reside for the purpose of attempting to persuade the employees to join a trade union. Right of access

8. Section 9 of *The Labour Relations Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 202, s. 9, re-enacted

9. The Board shall not include in a bargaining unit with other employees a person employed as a guard to protect the property of an employer, and no trade union shall be certified as bargaining agent for a bargaining unit of such guards and no employer or employers' organization shall be required to bargain with a trade union on behalf of any person who is a guard if, in either case, the trade union admits to membership or is chartered by, or is affiliated, directly or indirectly, with an organization that admits to membership persons other than guards. Security guards

9. *The Labour Relations Act* is amended by adding thereto the following section: R.S.O. 1960, c. 202, amended

31a—(1) The Minister may establish an industrial inquiry commission to inquire into and report to the Minister on any industrial matter or dispute that the Minister considers advisable. Industrial inquiry commission

(2) The industrial inquiry commission shall consist of one or more members appointed by the Minister and the commission shall have all the powers of a conciliation board under section 28. Composition and powers

(3) The chairman and members of the commission shall be paid remuneration and expenses at the same rate Remuneration and expenses



as is payable to a chairman and members of a conciliation board under this Act.

R.S.O. 1960,  
c. 202, s. 32,  
amended

**10.**—(1) Section 32 of *The Labour Relations Act* is amended by adding thereto the following subsection:

Recognition  
of  
accredited  
employers'  
organization

(1a) Every collective agreement to which an accredited employers' organization is a party shall provide that the accredited employers' organization is recognized as the exclusive bargaining agent of the employers in the unit of employers for whom the employers' organization has been accredited.

R.S.O. 1960,  
c. 202, s. 32,  
subs. 2,  
amended

(2) Subsection 2 of the said section 32 is amended by inserting after "1" in the second line "or 1a", so that the subsection shall read as follows:

Addition  
by Board

(2) If a collective agreement does not contain such a provision as is mentioned in subsection 1 or 1a, it may be added to the agreement at any time by the Board upon the application of either party.

R.S.O. 1960,  
c. 202, s. 33,  
subs. 2,  
re-enacted

**11.** Subsection 2 of section 33 of *The Labour Relations Act* is repealed and the following substituted therefor:

Statutory  
provision

(2) If a collective agreement does not contain such a provision as is mentioned in subsection 1, it shall be deemed to contain the following provision:

"There shall be no strikes or lock-outs so long as this agreement continues to operate."

R.S.O. 1960,  
c. 202, s. 34,  
subs. 2,  
amended

**12.**—(1) Subsection 2 of section 34 of *The Labour Relations Act* is amended by adding after "employee" in the twenty-third line "or employer", so that the subsection shall read as follows:

Idem

(2) If a collective agreement does not contain such a provision as is mentioned in subsection 1, it shall be deemed to contain the following provision:

Where a difference arises between the parties relating to the interpretation, application or administration of this agreement, including any question as to whether a matter is arbitrable, or where an allegation is made that this agreement has been violated, either of the parties may, after exhausting any grievance procedure established by this agreement, notify the other party in writing of its desire to submit the difference or allegation to arbitration and the notice shall contain the name of the first party's appointee to an arbitration board. The recipient of the notice shall within five days inform the other party of the name of its appointee to the arbitration board. The two appointees so selected shall, within five days of

the appointment of the second of them, appoint a third person who shall be the chairman. If the recipient of the notice fails to appoint an arbitrator, or if the two appointees fail to agree upon a chairman within the time limited, the appointment shall be made by the Minister of Labour for Ontario upon the request of either party. The arbitration board shall hear and determine the difference or allegation and shall issue a decision and the decision is final and binding upon the parties and upon any employee or employer affected by it. The decision of a majority is the decision of the arbitration board, but if there is no majority the decision of the chairman governs.

(2) The said section 34 is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 202, s. 34,  
amended

(7a) Where an arbitrator or arbitration board determines that an employee has been discharged or otherwise disciplined by an employer for cause and the collective agreement does not contain a specific penalty for the infraction that is the subject-matter of the arbitration, the arbitrator or arbitration board may substitute such other penalty for the discharge or discipline as to the arbitrator or arbitration board seems just and reasonable in all the circumstances. Substitution  
of penalty

(3) Subsection 2 applies to arbitrations commenced after subsection 2 comes into force and to arbitrations commenced before subsection 2 comes into force and in respect of which the arbitrator or arbitration board has heard no evidence, notwithstanding that the collective agreement under which the arbitration was commenced was entered into before subsection 2 comes into force. Application  
of subs. 2

**13.**—(1) Subsection 2 of section 35 of *The Labour Relations Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 202, s. 35,  
subs. 2,  
re-enacted

(2) No trade union that is a party to a collective agreement containing a provision mentioned in clause *a* of subsection 1 shall require the employer to discharge an employee because, Where  
non-member  
employee  
cannot be  
required to  
be  
discharged

(a) he has been expelled or suspended from membership in the trade union; or

(b) membership in the trade union has been denied to or withheld from the employee,

for the reason that the employee,

(c) was or is a member of another trade union;



- (d) has engaged in activity against the trade union or on behalf of another trade union;
- (e) has engaged in reasonable dissent within the trade union;
- (f) has been discriminated against by the trade union in the application of its membership rules; or
- (g) has refused to pay initiation fees, dues or other assessments to the trade union which are unreasonable.

R.S.O. 1960,  
c. 202, s. 35,  
subs. 4,  
amended

(2) Subsection 4 of the said section 35 is amended by striking out "55" in the sixth line and inserting in lieu thereof "65", so that the subsection, exclusive of the clauses, shall read as follows:

Union  
security  
provision  
in first  
agreement

- (4) A trade union and the employer of the employees concerned shall not enter into a collective agreement that includes provisions requiring, as a condition of employment, membership in the trade union that is a party to or is bound by the agreement unless the trade union has established at the time it entered into the agreement that not less than 65 per cent of the employees in the bargaining unit were members of the trade union, but this subsection does not apply,

. . . . .

R.S.O. 1960,  
c. 202,  
amended

**14.** *The Labour Relations Act* is amended by adding thereto the following section:

Religious  
objections

35a—(1) Where the Board is satisfied that an employee because of his religious conviction or belief,

(a) objects to joining a trade union; or

(b) objects to the paying of dues or other assessments to a trade union,

the Board may order that the provisions of a collective agreement of the type mentioned in clause a of subsection 1 of section 35 do not apply to such employee and that the employee is not required to join the trade union, to be or continue to be a member of the trade union, or to pay any dues, fees or assessments to the trade union, provided that amounts equal to any initiation fees, dues, or other

assessments are paid by the employee to or are remitted by the employer to a charitable organization mutually agreed upon by the employee and the trade union, but if the employee and the trade union fail to so agree then to such charitable organization registered as a charitable organization in Canada under Part I of the *Income Tax Act* (Canada) as may be designated by the Board.

R.S.C. 1952,  
c. 148

(2) Subsection 1 applies,

Application  
of subs. 1

- (a) subject to clause *b*, to employees in the employ of an employer at the time a collective agreement containing a provision of the kind mentioned in subsection 1 is first entered into with that employer and only during the life of such collective agreement; and
- (b) where a collective agreement in force when this subsection comes into force contains the provisions mentioned in subsection 1, to employees in the employ of the employer at the time this section comes into force and only during the life of such collective agreement,

and does not apply to employees whose employment commences after the entering into of the collective agreement when clause *a* applies, or after this section comes into force, when clause *b* applies.

**15.** *The Labour Relations Act* is amended by adding thereto the following section:

R.S.O. 1960,  
c. 202,  
amended

- 36a. There shall be only one collective agreement at a time between a trade union or council of trade unions and an employer or employers' organization with respect to the employees in the bargaining unit defined in the collective agreement.

More than  
one  
collective  
agreement  
prohibited

**16.**—(1) Subsection 1 of section 38 of *The Labour Relations Act*, as amended by section 3 of *The Labour Relations Amendment Act, 1961-62*, is further amended by inserting after "upon" in the third line "the employers' organization and" and by inserting after "unions" in the third instance in the amendment of 1961-62 "and upon the employees in the bargaining unit defined in the agreement", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 202, s. 38,  
subs. 1,  
amended

Binding  
effect of  
collective  
agreements  
on  
employers'  
organizations

- (1) A collective agreement between an employers' organization and a trade union or council of trade unions is, subject to and for the purposes of this Act, binding upon the employers' organization and each person who was a member of the employers' organization at the time the agreement was entered into and on whose behalf the employers' organization bargained with the trade union or council of trade unions as if it was made between each of such persons and the trade union or council of trade unions and upon the employees in the bargaining unit defined in the agreement and, if any such person ceases to be a member of the employers' organization during the term of operation of the agreement, he shall, for the remainder of the term of operation of the agreement, be deemed to be a party to a like agreement with the trade union or council of trade unions.

R.S.O. 1960,  
c. 202, s. 38,  
subs. 3,  
amended

- (2) Subsection 3 of the said section 38, as amended by subsection 2 of section 12 of *The Labour Relations Amendment Act, 1966*, is further amended by inserting after "upon" in the third line "the council of trade unions and", and by inserting after "organization" in the eighth and ninth lines "and upon the employees in the bargaining unit defined in the agreement", so that the subsection shall read as follows:

Binding  
effect of  
collective  
agreements  
on members  
or affiliates  
of councils  
of trade  
unions

- (3) A collective agreement between a council of trade unions, other than a certified council of trade unions, and an employer or an employers' organization is, subject to and for the purposes of this Act, binding upon the council of trade unions and each trade union that was a member of or affiliated with the council of trade unions at the time the agreement was entered into and on whose behalf the council of trade unions bargained with the employer or employers' organization as if it was made between each of such trade unions and the employer or employers' organization, and upon the employees in the bargaining unit defined in the agreement, and, if any such trade union ceases to be a member of or affiliated with the council of trade unions during the term of operation of the agreement, it shall, for the remainder of the term of operation of the agreement, be deemed to be a party to a like agreement with the employer or employers' organization, as the case may be.

R.S.O. 1960,  
c. 202, s. 40,  
subs. 1,  
amended

- 17.** Subsection 1 of section 40 of *The Labour Relations Act* is amended by striking out "two months" in the second line and inserting in lieu thereof "ninety days", so that the subsection shall read as follows:

- (1) Either party to a collective agreement may, within the period of ninety days before the agreement ceases to operate, give notice in writing to the other party of its desire to bargain with a view to the renewal, with or without modifications, of the agreement then in operation or to the making of a new agreement.

Notice of  
desire to  
bargain  
for new  
collective  
agreement

**18.** Subsection 3 of section 41a of *The Labour Relations Act*, as enacted by section 14 of *The Labour Relations Amendment Act, 1966*, is repealed.

R.S.O. 1960,  
c. 202,  
s. 41a,  
(1966 c. 76,  
s. 14),  
subs. 3,  
repealed

**19.**—(1) Subsection 4 of section 43 of *The Labour Relations Act* is amended by striking out “of all those eligible to vote” in the second line and inserting in lieu thereof “cast”, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 202, s. 43,  
subs. 4,  
amended

- (4) If on the taking of the representation vote more than 50 per cent of the ballots cast are cast in opposition to the trade union, the Board shall declare that the trade union that was certified or that was or is a party to the collective agreement, as the case may be, no longer represents the employees in the bargaining unit.

Declaration  
of  
termination  
following  
vote

(2) Subsection 1 does not apply in respect of applications for the termination of bargaining rights made before this section comes into force.

Application  
of subs. 1

- (3) Subsection 5 of the said section 43 is repealed.

R.S.O. 1960,  
c. 202, s. 43,  
subs. 5,  
repealed

**20.**—(1) Subsection 1 of section 45a of *The Labour Relations Act*, as enacted by section 5 of *The Labour Relations Amendment Act, 1964*, is amended by inserting after “agreement” in the fourth line “or a recognition agreement as provided for in subsection 3 of section 13” and by inserting after “operation” in the ninth line “or, if no collective agreement has been entered into within one year from the signing of such recognition agreement”, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 202,  
s. 45a,  
(1964,  
c. 53, s. 5),  
subs. 1,  
amended

- 45a.**—(1) Where an employer and a trade union that has not been certified as the bargaining agent for a bargaining unit of employees of the employer enter into a collective agreement, or a recognition agreement as provided for in subsection 3 of section 13, the Board may, upon the application of any employee in the bargaining unit or of a trade union representing

Termination  
of bargain-  
ing rights  
after  
voluntary  
recognition



any employee in the bargaining unit, during the first year of the period of time that the first collective agreement between them is in operation or, if no collective agreement has been entered into, within one year from the signing of such recognition agreement, declare that the trade union was not, at the time the agreement was entered into, entitled to represent the employees in the bargaining unit.

R.S.O. 1960,  
c. 202,  
s. 45a  
(1964, c. 53,  
s. 5),  
subs. 4,  
re-enacted

(2) Subsection 4 of the said section 45a is repealed and the following substituted therefor:

- (4) Upon the Board making a declaration under subsection 1, the trade union forthwith ceases to represent the employees in the defined bargaining unit in the recognition agreement or collective agreement and any collective agreement in operation between the trade union and the employer ceases to operate forthwith in respect of the employees affected by the application.

R.S.O. 1960,  
c. 202, s. 46,  
amended

**21.** Section 46 of *The Labour Relations Act* is amended by adding thereto the following subsection:

Application  
of sub-  
sections 1  
and 3

- (4) Subsections 1 and 3 apply *mutatis mutandis* to an application made under subsection 1b of section 5.

R.S.O. 1960,  
c. 202,  
s. 47a  
(1962-63,  
c. 70, s. 1),  
re-enacted

**22.**—(1) Section 47a of *The Labour Relations Act*, as re-enacted by section 1 of *The Labour Relations Amendment Act, 1962-63* and amended by section 18 of *The Labour Relations Amendment Act, 1966*, is repealed and the following substituted therefor:

Interpre-  
tation

47a.—(1) In this section,

- (a) “business” includes a part or parts thereof;
- (b) “sells” includes leases, transfers and any other manner of disposition, and “sold” and “sale” have corresponding meanings.

Successor  
employer

- (2) Where an employer who is bound by or is a party to a collective agreement with a trade union or council of trade unions sells his business, the person to whom the business has been sold is, until the Board otherwise declares, bound by the collective agreement as if he had been a party thereto and, where an employer sells his business while an application for certification or termination of bargaining rights to which he is a party is before the Board, the person to whom the

business has been sold is, until the Board otherwise declares, the employer for the purposes of the application as if he were named as the employer in the application.

- (3) Where an employer on behalf of whose employees a <sup>idem</sup> trade union or council of trade unions, as the case may be, has been certified as bargaining agent or has given or is entitled to give notice under section 11, sells his business, the trade union or council or trade unions continues, until the Board otherwise declares, to be the bargaining agent for the employees of the person to whom the business was sold in the like bargaining unit in that business, and the trade union or council of trade unions is entitled to give to the person to whom the business was sold a written notice of its desire to bargain with a view to making a collective agreement and such notice has the same effect as a notice under section 11.
- (4) Where a business was sold to a person and a trade <sup>Powers of Board</sup> union or council of trade unions was the bargaining agent of any of the employees in such business or a trade union or council of trade unions is the bargaining agent of the employees in any business carried on by the person to whom the business was sold, and,
  - (a) any question arises as to what constitutes the like bargaining unit referred to in subsection 3; or
  - (b) any person, trade union or council of trade unions claims that, by virtue of the operation of subsections 2 or 3, a conflict exists between the bargaining rights of the trade union or council of trade unions that represented the employees of the predecessor employer and the trade union or council of trade unions that represents the employees of the person to whom the business was sold,

the Board may, upon the application of any person, trade union or council of trade unions concerned,

  - (c) define the composition of the like bargaining unit referred to in subsection 3 with such modification, if any, as the Board deems necessary; and
  - (d) amend, to such extent as the Board deems necessary, any bargaining unit in any certi-



ificate issued to any trade union or any bargaining unit defined in any collective agreement.

Idem

- (5) The Board may, upon the application of any person, trade union or council of trade unions concerned, made within sixty days after the successor employer referred to in subsection 2 becomes bound by the collective agreement, or within sixty days after the trade union or council of trade unions has given a notice under subsection 3, terminate the bargaining rights of the trade union or council of trade unions bound by the collective agreement or that has given notice, as the case may be, if, in the opinion of the Board, the person to whom the business was sold has changed its character so that it is substantially different from the business of the predecessor employer.

Idem

- (6) Notwithstanding subsections 2 and 3, where a business was sold to a person who carries on one or more other businesses and a trade union or council of trade unions is the bargaining agent of the employees in any of the businesses and such person intermingles the employees of one of the businesses with those of another of the businesses, the Board may, upon the application of any person, trade union or council of trade unions concerned,
  - (a) declare that the person to whom the business was sold is no longer bound by the collective agreement referred to in subsection 2;
  - (b) determine whether the employees concerned constitute one or more appropriate bargaining units;
  - (c) declare which trade union, trade unions or council of trade unions, if any, shall be the bargaining agent or agents for the employees in such unit or units; and
  - (d) amend, to such extent as the Board deems necessary, any certificate issued to any trade union or council of trade unions or any bargaining unit defined in any collective agreement.
- (7) Where a trade union or council of trade unions is declared to be the bargaining agent under subsection

Notice to  
bargain

6 and it is not already bound by a collective agreement with the successor employer with respect to the employees for whom it is declared to be the bargaining agent, it is entitled to give to the employer a written notice of its desire to bargain with a view to making a collective agreement, and such notice has the same effect as a notice under section 11.

- (8) Before disposing of any application under this section, the Board may make such inquiry, may require the production of such evidence and the doing of such things, or may hold such representation votes, as it deems appropriate. Powers of Board before disposing of application
- (9) Where an application is made under this section, an employer is not required, notwithstanding that a notice has been given by a trade union or council of trade unions, to bargain with that trade union or council of trade unions concerning the employees to whom the application relates until the Board has disposed of the application and has declared which trade union or council of trade unions, if any, has the right to bargain with the employer on behalf of the employees concerned in the application. Where employer not required to bargain
- (10) For the purposes of sections 5, 43, 45, 46 and 96, a notice given by a trade union or council of trade unions under subsection 3 or a declaration made by the Board under subsection 6 has the same effect as a certification under section 7. Effect of notice or declaration
- (11) Where one or more municipalities as defined in *The Department of Municipal Affairs Act* is erected into another municipality, or two or more such municipalities are amalgamated, united or otherwise joined together, or all or part of one such municipality is annexed, attached or added to another such municipality, the employees of the municipalities concerned shall be deemed to have been intermingled, and, Successor municipalities R.S.O. 1960, c. 98
  - (a) the Board may exercise the like powers as it may exercise under subsections 6 and 8 with respect to the sale of a business under this section;
  - (b) the new or enlarged municipality has the like rights and obligations as a person to whom a business is sold under this section and who intermingles the employees of one of his

businesses with those of another of his businesses; and

- (c) any trade union or council of trade unions concerned has the like rights and obligations as it would have in the case of the intermingling of employees in two or more businesses under this section.

Power of Board to determine whether sale

- (12) Where, on any application under this section or in any other proceeding before the Board, a question arises as to whether a business has been sold by one employer to another, the Board shall determine the question and its decision thereon is final and conclusive for the purposes of this Act.

Application of subs. 1

- (2) Subsection 1 does not apply in respect of the sale of a business before the day on which this section comes into force and where a question arises as to whether a business has been sold by one employer to another for the purposes of this subsection, the Board shall determine the question and its decision thereon is final and conclusive.

R.S.O. 1960, c. 202, amended

**23.** *The Labour Relations Act* is amended by adding thereto the following section:

Duty of fair representation by trade union, etc.

- 51a. A trade union, or council of trade unions so long as it continues to be entitled to represent employees in a bargaining unit, shall not act in a manner that is arbitrary, discriminatory or in bad faith in the representation of any of the employees in the unit, whether or not members of the trade union or of any constituent union of the council of trade unions, as the case may be.

R.S.O. 1960, c. 202, s. 54, subs. 3, re-enacted

**24.** Subsection 3 of section 54 of *The Labour Relations Act*, is repealed and the following substituted therefor:

Threatening strike or lock-out

- (3) No employee shall threaten an unlawful strike and no employer shall threaten an unlawful lock-out of an employee.

Strike or ratification vote to be secret

- (4) A strike vote or a vote to ratify a proposed collective agreement taken by a trade union shall be by ballots cast in such a manner that a person expressing his choice cannot be identified with the choice expressed.

Opportunity to vote

- (5) Any vote mentioned in subsection 4 shall be conducted in such a manner that those entitled to vote have ample opportunity to cast their ballots.

**25.** *The Labour Relations Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 202,  
amended

54a.—(1) Where an employee engaging in a lawful strike makes an unconditional application in writing to his employer within six months from the commencement of the lawful strike to return to work, the employer shall, subject to subsection 2, reinstate the employee in his former employment, on such terms as the employer and employee may agree upon, and the employer in offering terms of employment shall not discriminate against the employee by reason of his exercising or having exercised any rights under this Act. Reinstatement of  
employee

(2) An employer is not required to reinstate an employee who has made an application to return to work in accordance with subsection 1, Exceptions

(a) where the employer no longer has persons engaged in performing work of the same or similar nature to work which the employee performed prior to his cessation of work; or

(b) where there has been a suspension or discontinuance for cause of an employer's operations, or any part thereof but if the employer resumes such operations, the employer shall first reinstate those employees who have made an application under subsection 1.

**26.** Sections 55 and 56 of *The Labour Relations Act* are repealed and the following substituted therefor: R.S.O. 1960,  
c. 202,  
ss 55, 56,  
re-enacted

55. No trade union or council of trade unions shall call or authorize or threaten to call or authorize an unlawful strike and no officer, official or agent of a trade union or council of trade unions shall council, procure, support or encourage an unlawful strike or threaten an unlawful strike. Unlawful  
strike

56. No employer or employers' organization shall call or authorize or threaten to call or authorize an unlawful lock-out and no officer, official or agent of an employer or employers' organization shall counsel, procure, support or encourage an unlawful lock-out or threaten an unlawful lock-out. Unlawful  
lock-out

**27.** Section 59 of *The Labour Relations Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 202, s. 59,  
amended

(1a) Where a trade union has applied for certification and notice thereof from the Board has been received Idem



by the employer, no employer shall, except with the consent of the trade union, alter the rights, privileges or duty of the employer or the employees until,

(a) the trade union has given notice under section 11, in which case subsection 1 applies; or

(b) the application for certification by the trade union is dismissed or terminated by the Board, or withdrawn by the trade union.

R.S.O. 1960,  
c. 202, s. 65,  
subs. 1  
(1966, c. 76,  
s. 24, subs.  
1), amended

**28.—**(1) Subsection 1 of section 65 of *The Labour Relations Act*, as re-enacted by subsection 1 of section 24 of *The Labour Relations Amendment Act, 1966*, is amended by striking out “or” at the end of clause *a*, by adding “or” at the end of clause *b* and by adding thereto the following clause:

(c) a trade union, council of trade unions, employer, employers’ organization, person or persons has acted in any way contrary to section 51*a*, clause *b* of subsection 2 of section 59*a*, subsection 1 or 2 of section 103, or section 104, 105 or 106.

R.S.O. 1960,  
c. 202, s. 65,  
subs. 4  
(1966, c. 76,  
s. 24, subs.  
2), cl. *a*,  
amended

(2) Clause *a* of subsection 4 of the said section 65, as re-enacted by subsection 2 of section 24 of *The Labour Relations Amendment Act, 1966* is amended by inserting after “benefits” in the sixteenth line “which compensation may be assessed against the employer, other person or trade union jointly or severally”, so that the clause shall read as follows:

(a) if the Board is satisfied that the person concerned has been refused employment, discharged, discriminated against, threatened, coerced, intimidated or otherwise dealt with contrary to this Act as to his employment, opportunity for employment or conditions of employment by any employer or other person or a trade union, it shall determine what, if anything, the employer, other person or trade union shall do or refrain from doing with respect thereto, and such determination may include the hiring or reinstatement in employment of the person concerned, with or without compensation or compensation in lieu of hiring or reinstatement for loss of earnings and other employment benefits which compensation may be assessed against the employer, other person or trade union jointly or severally, and the employer, other person or trade union shall, notwithstanding the provisions of any collective agreement, do or abstain from doing anything required of them or any of them by the determination; or

. . . . .

(3) Subsection 4 of the said section 65, as re-enacted by subsection 2 of section 24 of *The Labour Relations Amendment Act, 1966*, is amended by striking out "or" at the end of clause *a*, by adding "or" at the end of clause *b* and by adding thereto the following clause:

R.S.O. 1960,  
c. 202, s. 65,  
subs. 4  
(1966, c. 76,  
s. 24, subs.  
1), amended

- (c) if the Board is satisfied that the trade union, council of trade unions, employer, employers' organization, person or employee concerned has acted contrary to section 51*a*, clause *b* of subsection 2 of section 59*a*, subsection 1 or 2 of section 103 or section 104, 105 or 106, it shall determine what, if anything, the trade union, council of trade unions, employer, employers' organization, person or employee, shall do or refrain from doing with respect thereto, and such determination may include compensation for loss of earnings and other employment benefits and the trade union, council of trade unions, employer, employers' organization, person or employee shall, notwithstanding the provisions of any collective agreement, do or abstain from doing anything required of them or it.

(4) Subsection 5 as re-enacted by subsection 2 of section 8 of *The Labour Relations Amendment Act, 1961-62* and subsection 6 as enacted by subsection 2 of section 8 of *The Labour Relations Amendment Act, 1961-62* of the said section 65 are repealed and the following substituted therefor:

R.S.O. 1960,  
c. 202, s. 65,  
subss. 5, 6  
(1961-62,  
c. 68, s. 8,  
subs. 2), re-enacted

- (5) Where the trade union, council of trade unions, employer, employers' organization, person or employee, has failed to comply with any of the terms of the determination, any trade union, council of trade unions, employer, employers' organization, person or employee, affected by the determination may, after the expiration of fourteen days from the date of the release of the determination or the date provided in the determination for compliance, whichever is later, notify the Board in writing of such failure, and thereupon the Board shall file in the office of the Registrar of the Supreme Court a copy of the determination, exclusive of the reasons, if any, therefor, in the prescribed form, whereupon the determination shall be entered in the same way as a judgment or order of that court and is enforceable as such.
- (6) Where the matter complained of has been settled, whether through the endeavours of the field officer or otherwise, and the terms of the settlement have been

Enforcement  
of discrimina-  
tion

Effect of  
settlement



put in writing and signed by the parties or their representatives, the settlement is binding upon the parties, the trade union, council of trade unions, employer, employers' organization, person or employee who have agreed to the settlement and shall be complied with according to its terms, and a complaint that the trade union, council of trade unions, employer, employers' organization, person or employee who has agreed to the settlement has not complied with the terms of the settlement shall be deemed to be a complaint under clause *a*, *b* or *c* of subsection 1 as the case may be.

R.S.O. 1960,  
c. 202,  
amended

**29.** *The Labour Relations Act* is amended by adding thereto the following section:

"Person"  
defined for  
purposes of  
ss. 59*a*, and  
65

65*a*. For the purposes of section 59*a* and any complaint made under section 65, "person" includes any person otherwise excluded by subsection 3 of section 1.

R.S.O. 1960,  
c. 202, s. 66  
(1966, c. 76,  
s. 25),  
subs. 1,  
amended

**30.**—(1) Subsection 1 of section 66 of *The Labour Relations Act*, as re-enacted by section 25 of *The Labour Relations Amendment Act, 1966*, is amended by striking out "employees" in the sixth line, the seventh line, the ninth and tenth lines and the eleventh line and inserting in lieu thereof in each instance "persons", and by striking out "employee" in the fifteenth line and inserting in lieu thereof "person", so that the subsection shall read as follows:

Jurisdic-  
tional  
disputes

(1) The Board may inquire into a complaint that a trade union or council of trade unions, or an officer, official or agent of a trade union or council of trade unions, was or is requiring an employer or an employers' organization to assign particular work to persons in a particular trade union or in a particular trade, craft or class rather than to persons in another trade union or in another trade, craft or class, or that an employer was or is assigning work to persons in a particular trade union rather than to persons in another trade union, and it shall direct what action, if any, the employer, the employers' organization, the trade union or the council of trade unions or any officer, official or agent of any of them or any person shall do or refrain from doing with respect to the assignment of work.

R.S.O. 1960,  
c. 202, s. 66  
(1966, c. 76,  
s. 25),  
amended

(2) The said section 66 is amended by adding thereto the following subsection:

Scope of  
Board's  
direction

(1*a*) The Board may in any direction made under subsection 1 provide that it shall be binding on the

parties for other jobs then in existence or undertaken in the future in such geographic area as the Board may deem advisable.

- (3) The said section 66 is further amended by adding thereto the following subsections: R.S.O. 1960, c. 202, s. 66 (1966, c. 76, s. 25), amended
- (1b) Where a trade union, council of trade unions, employer or employers' organization referred to in subsection 1 of section 108 files a complaint under subsection 1 and if each party affected by the complaint has designated a jurisdictional representative as provided under section 108, the Registrar or such other person as may be designated by the chairman shall immediately notify the respective designated jurisdictional representatives by telephone and telegram of the filing of the complaint. Notice to jurisdictional representatives
- (1c) The designated jurisdictional representatives involved shall forthwith meet and endeavour to effect a settlement of the matters complained of and shall report the results of their endeavours to the Board within fourteen days from the day of the filing of the complaint. Meeting of jurisdictional representatives
- (1d) Where the designated jurisdictional representatives unanimously agree to a settlement of the matter complained of, it shall be reduced to writing, signed by the respective representatives and filed with the Board within the time set by subsection 1c. Filing of settlement with Board
- (1e) Where a settlement is filed with the Board under subsection 1d, the Board, after such consultation with the designated jurisdictional representatives as it deems advisable in order to clarify the terms of the settlement, shall embody the settlement and any agreed to changes necessary for its clarification in the form of a direction under subsection 1 and shall file it in the prescribed form in the office of the Registrar of the Supreme Court, whereupon the direction shall be entered in the same way as a judgment or order of that court. Filing of settlement in S.C.O.
- (1f) Where the designated jurisdictional representatives are notified under subsection 1b, the Board shall not, except as provided in subsection 2, proceed with the inquiry referred to in subsection 1 until the expiry of the fourteen day period referred to in subsection 1c. Time of inquiry

R.S.O. 1960,  
c. 202, s. 66  
(1966, c. 76,  
s. 25),  
subs. 7,  
amended

(4) Subsection 7 of the said section 66 is amended by striking out "Notwithstanding subsections 1 and 2" in the first line, so that the subsection shall read as follows:

Postpone-  
ment of  
inquiry

(7) Where a trade union or a council of trade unions and an employer or an employers' organization have made an arrangement to resolve any differences between them arising from the assignment of work, the Board may, upon such terms and conditions as it may fix, postpone inquiring into a complaint under this section until the difference has been dealt with in accordance with such arrangement.

R.S.O. 1960,  
c. 202, s. 66  
(1966, c. 76,  
s. 25),  
subs. 8,  
amended

(5) Subsection 8 of the said section 66 is amended by striking out "No complaint under this section may be" in the first line and inserting in lieu thereof "The Board shall not inquire into a complaint", so that the subsection shall read as follows:

Where no  
complaint  
may be  
made

(8) The Board shall not inquire into a complaint made by a trade union, council of trade unions, employer or employers' organization that has entered into a collective agreement that contains a provision requiring the reference of any difference between them arising out of work assignment to a tribunal mutually selected by them with respect to any difference as to work assignment that can be resolved under the collective agreement, and such trade union, council of trade unions, employer or employers' organization shall do or abstain from doing anything required of it by the decision of such tribunal.

R.S.O. 1960,  
c. 202,  
amended

**31.** *The Labour Relations Act* is amended by adding thereto the following section:

Notice of  
claim for  
damages  
after  
unlawful  
strike or  
lock-out  
where no  
collective  
agreement

68a.—(1) Where the Board declares that a trade union or council of trade unions has called or authorized an unlawful strike or that an employer or employers' organization has called or authorized an unlawful lock-out and no collective agreement is in operation between the trade union or council of trade unions and the employer or employers' organization, as the case may be, the trade union or council of trade unions or employer or employers' organization, may within fifteen days of the release of the Board's declaration, but not thereafter, notify the employer or employers' organization or trade union or council of trade unions, as the case may be, in writing of its intention to claim damages for the unlawful strike or

lock-out, and the notice shall contain the name of its appointee to an arbitration board.

- (2) The recipient of the notice shall within five days <sup>Appointment of arbitration board</sup> inform the sender of the notice of the name of its appointee to the arbitration board.
- (3) The two appointees so selected shall, within five <sup>Idem</sup> days of the appointment of the second of them, appoint a third person who shall be the chairman.
- (4) If the recipient of the notice fails to name an ap- <sup>Idem</sup> pointee, or if the two appointees fail to agree upon a chairman within the time limited, the appointment shall be made by the Minister upon the request of either party.
- (5) The arbitration board shall hear and determine the <sup>Decision of arbitration board</sup> claim for damages including any question as to whether the claim is arbitrable and shall issue a decision and the decision is final and binding upon the parties to the arbitration, and,
  - (a) in the case of a council of trade unions, upon the members of affiliates of the council who are affected by the decision; and
  - (b) in the case of an employers' organization, upon the employers in the organization who are affected by the decision.
- (6) The decision of a majority is the decision of the <sup>Idem</sup> arbitration board, but if there is no majority the decision of the chairman governs.
- (7) The chairman and members of the arbitration <sup>Remuneration of members of board</sup> board under this section shall be paid remuneration and expenses at the same rate as is payable to a chairman and members of a conciliation board under this Act, and the parties to the arbitration are jointly and severally liable for the payment of such fees and expenses.
- (8) In an arbitration under this section, subsections 5, <sup>Procedure of board</sup> 6, 7, 9 and 10 of section 34 apply *mutatis mutandis*.

**32.** Clauses *a* and *b* of subsection 1 of section 69 of *The Labour Relations Act* are repealed and the following substituted <sup>R.S.O. 1960, c. 202, s. 69, subs. 1, cls. a, b, re-enacted</sup> therefor:

- (a) if an individual, to a fine of not more than \$1,000; or



- (b) if a corporation, trade union, council of trade unions or employers' organization, to a fine of not more than \$10,000.

R.S.O. 1960,  
c. 202, s. 73  
(1966, c. 76,  
s. 26),  
amended

**33.** Section 73 of *The Labour Relations Act*, as re-enacted by section 26 of *The Labour Relations Amendment Act, 1966*, is amended by inserting after "66" in the fifth line "or a direction of the Board under section 107", and by inserting after "board" in the sixth line "including a decision under section 68a", so that the section shall read as follows:

Proceedings  
in S.C.O.

73. Where a trade union, a council of trade unions or an unincorporated employers' organization is affected by a determination of the Board under section 65, an interim order or direction of the Board under section 66 or a direction of the Board under section 107 or a decision of an arbitrator or arbitration board including a decision under section 68a, proceedings to enforce the determination, interim order, direction or decision may be instituted in the Supreme Court by or against such union, council or organization in the name of the union, council or organization, as the case may be.

R.S.O. 1960,  
c. 202, s. 75,  
subs. 3a  
(1961-62,  
c. 68, s. 10,  
subs. 1),  
amended

**34.**—(1) Subsection 3a of section 75 of *The Labour Relations Act*, as enacted by subsection 1 of section 10 of *The Labour Relations Amendment Act, 1961-62*, is amended by striking out "96" in the fifth line and inserting in lieu thereof "108", so that the subsection shall read as follows:

Construction  
industry  
division

- (3a) One of the divisions of the Board shall be designated by the chairman as the construction industry division, and it shall exercise the powers of the Board under this Act in proceedings to which sections 90 to 108 apply, but nothing in this subsection impairs the authority of any other division to exercise such powers.

R.S.O. 1960,  
c. 202, s. 75,  
amended

- (2) The said section 75 is amended by adding thereto the following subsection:

Resignation  
of member

- (4a) Where a member of the Board resigns, he may carry out and complete any duties or responsibilities and exercise any powers that he would have had if he had not ceased to be a member, in connection with any matter in respect of which there was any proceeding in which he participated as a member of the Board.

R.S.O. 1960,  
c. 202, s. 75,  
subs. 8,  
re-enacted

- (3) Subsection 8 of the said section 75 is repealed and the following substituted therefor:

- (8) The decision of the majority of the members of the Board present and constituting a quorum is the decision of the Board, but, if there is no majority, the decision of the chairman or vice-chairman governs. Decisions

(4) Subsection 9a of the said section 75, as enacted by subsection 3 of section 10 of *The Labour Relations Amendment Act, 1961-62* and amended by section 9 of *The Labour Relations Amendment Act, 1964* is further amended by striking out "96" in the third line and inserting in lieu thereof "108", so that the subsection shall read as follows: R.S.O. 1960,  
c. 202, s. 75,  
subs. 9a  
(1961-62,  
c. 68, s. 10,  
subs. 3),  
amended

- (9a) The Board may, subject to the approval of the Lieutenant Governor in Council, make rules to expedite proceedings before the Board to which sections 90 to 108 apply, and such rules may provide that, for the purposes of determining the merits of an application for certification to which sections 90 to 92 apply, the Board shall make or cause to be made such examination of records and such other inquiries as it deems necessary, but the Board need not hold a hearing on such an application. Rules  
applicable  
to con-  
struction  
industry

**35.**—(1) Subsection 2 of section 77 of *The Labour Relations Act* is amended by adding thereto the following clause: R.S.O. 1960,  
c. 202, s. 77,  
subs. 2,  
amended

- (k) to determine the form in which and the time as of which evidence of representation by an employers' organization or of objection by employers to accreditation of an employers' organization or of signification by employers that they no longer wish to be represented by an employers' organization shall be presented to the Board in an application for accreditation or for a declaration terminating bargaining rights of an employers' organization and to refuse to accept any evidence of representation or objection or signification that is not presented in the form and as of the time so determined.

(2) The said section 77 is amended by adding thereto the following subsections: R.S.O. 1960,  
c. 202, s. 77,  
amended

- (5) Where the Board determines that a representation vote is to be taken amongst the employees in a bargaining unit or voting constituency, the Board may hold such additional representation votes as it considers necessary to determine the true wishes of the employees. Additional  
votes
- (6) Where, in the taking of a representation vote, the Board determines that the employees are to be given a choice between two or more trade unions, Idem



- (a) the Board may include on a ballot a choice indicating that an employee does not wish to be represented by a trade union; and
- (b) the Board, when it decides to hold such additional representation votes as may be necessary, may eliminate from the choice on the ballot the choice from the previous ballot that has obtained the lowest number of votes cast.

R.S.O. 1960,  
c. 202, s. 79a  
subs. 2  
(1966, c. 76,  
s. 33),  
amended

**36.** Subsection 2 of section 79a of *The Labour Relations Act*, as enacted by section 33 of *The Labour Relations Amendment Act, 1966*, is amended by striking out "10" in the fifth line and inserting in lieu thereof "11".

R.S.O. 1960,  
c. 202, s. 85,  
subs. 2,  
re-enacted

**37.**—(1) Subsection 2 of section 85 of *The Labour Relations Act* is repealed and the following substituted therefor:

Time of  
making  
certain  
applications

- (2) An application for certification or accreditation or for a declaration that a trade union or employers' organization no longer represents the employees or employers, as the case may be, in a bargaining unit, if sent by registered mail addressed to the Board at Toronto, shall be deemed to have been made on the date on which it was so mailed.

R.S.O. 1960,  
c. 202, s. 85,  
subs. 4  
(1966, c. 76,  
s. 35),  
amended

(2) Subsection 4 of the said section 85, as enacted by section 35 of *The Labour Relations Amendment Act, 1966*, is amended by inserting after "66" in the fourth line "or a direction of the Board under section 107" and by inserting after "board" in the fifth line "including a decision under section 68a", so that the subsection shall read as follows:

Failure  
to receive  
documents  
a defence

- (4) Proof by a person, employers' organization, trade union or council of trade unions of failure to receive a determination under section 65 or an interim order or direction under section 66 or a direction of the Board under section 107, or a decision of an arbitrator or of an arbitration board including a decision under section 68a sent by mail to such person, employers' organization, trade union or council of trade unions addressed to him or it at his or its last-known address is a defence by such person, employers' organization, trade union or council of trade unions to an application for consent to institute a prosecution or to any proceedings to enforce as a judgment or order of the Supreme Court such determination, interim order, direction or decision.

R.S.O. 1960,  
c. 202, s. 88,  
cl. f,  
amended

**38.** Clause f of section 88 of *The Labour Relations Act* is amended by striking out "and 66" in the third line and insert-

ing in lieu thereof “66, 68a and 107”, so that the clause shall read as follows:

- (f) prescribing forms and providing for their use, including the form in which the documents mentioned in sections 34, 65, 66, 68a and 107 shall be filed in the Supreme Court.

**39.** Section 90 of *The Labour Relations Act*, as enacted by R.S.O. 1960, c. 202, s. 90, section 16 of *The Labour Relations Amendment Act, 1961-62*, (1961-62, c. 68, s. 16), is repealed and the following substituted therefor: re-enacted

90. In this section and in sections 91 to 108,

Interpreta-  
tion

- (a) “council of trade unions” means a council that is formed for the purpose of representing or that according to established bargaining practice represents trade unions as defined in clause f;
- (b) “employee” includes an employee engaged in whole or in part in off-site work but who is commonly associated in his work or bargaining with on-site employees.
- (c) “employer” means a person who operates a business in the construction industry, and for purposes of an application for accreditation means an employer for whose employees a trade union or council of trade unions affected by the application has bargaining rights in a particular geographic area and sector or areas or sectors or parts thereof;
- (d) “employers’ organization” means an organization that is formed for the purpose of representing or represents employers as defined in clause c;
- (e) “sector” means a division of the construction industry as determined by work characteristics and includes the industrial, commercial and institutional sector, the residential sector, the sewers, tunnels and watermains sector, the roads sector, the heavy engineering sector, the pipeline sector and the electrical power systems sector;
- (f) “trade union” means a trade union that according to established trade union practice pertains to the construction industry.

R.S.O. 1960,  
c. 202, s. 91  
(1961-62,  
c. 68, s. 16),  
amended

**40.** Section 91 of *The Labour Relations Act*, as enacted by section 16 of *The Labour Relations Amendment Act, 1961-62* and amended by section 38 of *The Labour Relations Amendment Act, 1966*, is further amended by striking out "96" in the second line and in the third line and inserting in lieu thereof in each instance "108", so that the section shall read as follows:

Conflict

91. Where there is conflict between any provision in sections 92 to 108 and any provision in sections 5 to 43 and 47 to 88, the provisions in sections 92 to 108 prevail.

R.S.O. 1960,  
c. 202,  
amended

**41.** *The Labour Relations Act* is amended by adding thereto the following sections:

Accredita-  
tion of  
employers'  
organization

97. Where a trade union or council of trade unions has been certified or has been granted voluntary recognition, under section 13, as the bargaining agent for a unit of employees of more than one employer in the construction industry or where a trade union or council of trade unions has entered into collective agreements with more than one employer covering a unit of employees in the construction industry, an employers' organization may apply to the Board to be accredited as the bargaining agent for all employers in a particular sector of the industry and in the geographic area described in the said certificates, voluntary recognition documents or collective agreements, as the case may be.

Board to  
determine  
appropriate-  
ness of unit

- 98.—(1) Upon an application for accreditation, the Board shall determine the unit of employers that is appropriate for collective bargaining in a particular geographic area and sector, but the Board need not confine the unit to one geographic area or sector but may, if it considers it advisable, combine areas or sectors or both or parts thereof.

Idem

- (2) The unit of employers shall comprise all employers as defined in clause *c* of section 90 in the geographic area and sector determined by the Board to be appropriate.

Determi-  
nations by  
Board

- 99.—(1) Upon an application for accreditation the Board shall ascertain,

- (a) the number of employers in the unit of employers on the date of the making of the application who have within one year prior to such date had employees in their employ

for whom the trade union or council of trade unions has bargaining rights in the geographic area and sector determined by the Board to be appropriate;

- (b) the number of employers in clause *a* represented by the employers' organization on the date of the making of the application; and
- (c) the number of employees of employers in clause *a* on the payroll of each such employer for the weekly payroll period immediately preceding the date of the application or if, in the opinion of the Board, such payroll period is unsatisfactory for any one or more of the employers in clause *a*, such other weekly payroll period for any one or more of the said employers as the Board considers advisable.

(2) If the Board is satisfied,

Accredita-  
tion

- (a) that a majority of the employers in clause *a* of subsection 1 are represented by the employers' organization; and
- (b) that such majority of employers employed a majority of the employees in clause *c* of subsection 1,

the Board, subject to subsection 3, shall accredit the employers' organization as the bargaining agent of the employers in the unit of employers and for such other employers for whose employees the trade union or council of trade unions may, after the date of the making of the application, obtain bargaining rights through certification or voluntary recognition in the appropriate geographic area and sector.

- (3) Before accrediting an employers' organization under subsection 2, the Board shall satisfy itself that the employers' organization is a properly constituted organization and that each of the employers whom it represents has vested appropriate authority in the organization to enable it to discharge the responsibilities of an accredited bargaining agent. Authority  
of employers'  
organization
- (4) Where the Board is of the opinion that appropriate <sup>Idem</sup> authority has not been vested in the employers' organization, the Board may postpone disposition of the application to enable employers represented by the organization to vest such additional or other authority in the organization as the Board considers necessary.



What  
employers'  
organization  
not to be  
accredited

- (5) The Board shall not accredit any employers' organization if any trade union or council of trade unions has participated in its formation or administration or has contributed financial or other support to it or if it discriminates against any person because of his race, creed, colour, nationality, ancestry or place of origin.

Effect of  
accreditation

- 100.—(1) Upon accreditation, all rights, duties and obligations under this Act of employers for whom the accredited employers' organization is or becomes the bargaining agent apply *mutatis mutandis* to the accredited employers' organization.

Effect of  
accreditation  
on collective  
agreements

- (2) Upon accreditation, any collective agreement in operation between the trade union or council of trade unions and any employer in clause *a* of subsection 1 of section 99 is binding on the parties thereto only for the remainder of the term of operation of the agreement, regardless of any provision therein respecting its renewal.

Idem

- (3) When any collective agreement mentioned in subsection 2 ceases to operate, the employer shall thereupon be bound by any collective agreement then in existence between the trade union or council of trade unions and the accredited employers' organization or subsequently entered into by the said parties.

Idem

- (4) Where, after the date of the making of an application for accreditation, the trade union or council of trade unions obtains bargaining rights for the employees of an employer through certification or voluntary recognition, that employer is bound by any collective agreement in existence at the time of the certification or voluntary recognition between the trade union or council of trade unions and the applicant employers' organization or subsequently entered into by the said parties.

Idem

- (5) A collective agreement between a trade union or council of trade unions and an employer who, but for the one-year requirement, would have been included in clause *a* of subsection 1 of section 99 is binding on the parties thereto only for the remainder of the term of operation of the agreement regardless of any provisions therein respecting its renewal.

- (6) When any collective agreement mentioned in subsection 5 ceases to operate, the employer shall thereupon be bound by any collective agreement then in existence between the trade union or council of trade unions and the accredited employers' organization or subsequently entered into by the said parties. <sup>Idem</sup>
- (7) Where, under the provisions of this section, an employer becomes bound by a collective agreement between a trade union or council of trade unions and an accredited employers' organization after the said agreement has commenced to operate, the agreement ceases to be binding on the employer in accordance with the terms thereof, notwithstanding subsection 1 of section 39. <sup>Application of s. 39, subs. 1</sup>
- 101.—(1) Subsections 1 and 2 of section 38 do not apply to an accredited employers' organization. <sup>Application of s. 38, subs. 1, 2</sup>
- (2) A collective agreement between an accredited employers' organization and a trade union or council of trade unions is, subject to and for the purposes of this Act, binding upon the accredited employers' organization and the trade union or council of trade unions, as the case may be, and upon each employer in the unit of employers represented by the accredited employers' organization at the time the agreement was entered into and upon such other employers as may subsequently be bound by the said agreement, as if it was made between each of such employers and the trade union or council of trade unions and, if any such employer ceases to be represented by the accredited employers' organization during the term of operation of the agreement, the employer shall, for the remainder of the term of operation of the agreement, be deemed to be a party to a like agreement with the trade union or council of trade unions. <sup>Binding effect of collective agreement on employer</sup>
- (3) A collective agreement between an accredited employers' organization and a trade union or council of trade unions is binding on the employees in the bargaining unit defined in the agreement of any employer bound by the collective agreement. <sup>Binding effect of collective agreement on employees</sup>
- 102.—(1) If an accredited employers' organization does not make a collective agreement with the trade union or council of trade unions, as the case may be, within one year after its accreditation, any of the employers in the unit of employers determined in the <sup>Termination of accreditation</sup>



accreditation certificate may apply to the Board only during the two months following the said one year for a declaration that the accredited employers' organization no longer represents the employers in the unit of employers.

Idem

- (2) Any of the employers in the unit of employers defined in a collective agreement between an accredited employers' organization and a trade union or council of trade unions, as the case may be, may apply to the Board only during the last two months of its operation for a declaration that the accredited employers' organization no longer represents the employers in the unit of employers.

Deter-  
mination by  
Board

- (3) Upon an application under subsection 1 or 2, the Board shall ascertain,

- (a) the number of employers in the unit of employers on the date of the making of the application;

- (b) the number of employers in the unit of employers who, within the two-month period immediately preceding the date of making of the application, have voluntarily signified in writing that they no longer wish to be represented by the accredited employers' organization; and

- (c) the number of employees affected by the application of employers in the unit of employers on the payroll of each such employer for the weekly payroll period immediately preceding the date of the making of the application or if, in the opinion of the Board, such payroll period is unsatisfactory for any one or more of the employers in clause *a*, such other weekly payroll period for any one or more of the said employers as the Board considers advisable.

Declaration  
by Board

- (4) If the Board is satisfied,

- (a) that a majority of the employers in clause *a* of subsection 3 has voluntarily signified in writing that they no longer wish to be represented by the accredited employers' organization; and

- (b) that such majority of employers employed a majority of the employees in clause *c* of subsection 3,

the Board shall declare that the employers' organization that was accredited or that was or is a party to the collective agreement, as the case may be, no longer represents the employers in the unit of employers.

- (5) Upon an application under subsections 1 or 2, when the employers' organization informs the Board that it does not desire to continue to represent the employers in the unit of employers, the Board may declare that the employers' organization no longer represents the employers in the unit. Declaration of termination on abandonment

- (6) Upon the Board making a declaration under subsection 4 or 5, Effect of declaration

- (a) any collective agreement in operation between the trade union or council of trade unions and the employers' organization that is binding upon the employers in the unit of employers ceases to operate forthwith;

- (b) all rights, duties and obligations under this Act of the employers' organization revert *mutatis mutandis* to the individual employers represented by the employers' organization; and

- (c) the trade union or council of trade unions, as the case may be, is entitled to give to any employer in the unit of employers a written notice of its desire to bargain with a view to making a collective agreement, and such notice has the same effect as a notice under section 11.

- 103.—(1) No trade union or council of trade unions that has bargaining rights for employees of employers represented by an accredited employers' organization and no such employer or person acting on behalf of such employer, trade union or council of trade unions shall, so long as the accredited employers' organization continues to be entitled to represent the employers in a unit of employers, bargain with each other with respect to such employees or enter Individual bargaining prohibited

into a collective agreement designed or intended to be binding upon such employees and if any such agreement is entered into it is void.

Agreements  
to provide  
employees  
during  
lawful strike  
or lock-out  
prohibited

- (2) No trade union or council of trade unions that has bargaining rights for employees of employers represented by an accredited employers' organization and no such employer or person acting on behalf of the employer, trade union or council of trade unions shall, so long as the accredited employers' organization continues to be entitled to represent the employers in a unit of employers, enter into any agreement or understanding, oral or written, which provides for the supply of employees during a legal strike or lock-out, and if any such agreement or understanding is entered into it is void and no such trade union or council of trade unions or person shall supply such employees to the employer.

Saving

- (3) Nothing in this Act prohibits an employer, represented by an accredited employers' organization, from continuing or attempting to continue his operations during a strike or lock-out involving employees of employers represented by the accredited employers' organization.

Duty of  
fair repre-  
sentation by  
employers'  
organization

104. An accredited employers' organization, so long as it continues to be entitled to represent employers in a unit of employers, shall not act in a manner that is arbitrary, discriminatory or in bad faith in the representation of any of the employers in the unit, whether members of the accredited employers' organization or not.

Membership  
in em-  
ployers'  
organization

105. Membership in an accredited employers' organization shall not be denied or terminated except for cause which, in the opinion of the Board, is fair and reasonable.

Fees

106. An accredited employers' organization shall not charge, levy or prescribe initiation fees, dues or assessments which, in the opinion of the Board, are unreasonable or discriminatory.

Direction by  
Board re  
unlawful  
strike

- 107.—(1) Where on the complaint of an interested person, trade union, council of trade unions or employers' organization the Board is satisfied that a trade union or council of trade unions called or authorized or threatened to call or authorize an unlawful strike or that an officer, official or agent of a trade union or council of trade unions counselled or procured or supported or encouraged an unlawful

strike or threatened an unlawful strike, or that employees engaged in or threatened to engage in an unlawful strike, it may direct what action if any a person, employee, employer, employers' organization, trade union or council of trade unions and their officers, officials or agents shall do or refrain from doing with respect to the unlawful strike or the threat of an unlawful strike.

- (2) Where on the complaint of an interested person, trade union, council of trade unions or employers' organization the Board is satisfied that an employer or employers' organization called or authorized or threatened to call or authorize an unlawful lock-out or locked out or threatened to lock out employees or that an officer, official or agent of an employer or employers' organization counselled or procured or supported or encouraged an unlawful lock-out or threatened an unlawful lock-out, it may direct what action if any a person, employee, employer, employers' organization, trade union or council of trade unions and their officers, officials or agents shall do or refrain from doing with respect to the unlawful lock-out or the threat of an unlawful lock-out.

Direction by Board re unlawful lock-out

- (3) The Board shall file in the office of the Registrar of the Supreme Court a copy of a direction made under this section, exclusive of the reasons therefor, in the prescribed form, whereupon the direction shall be entered in the same way as a judgment or order of that court.

Enforcement of direction by S.C.O.

- 108.—(1) Every trade union, council of trade unions, employer and employers' organization in the construction industry shall, on or before the 1st day of April, 1971, or within fifteen days after it has entered into a collective agreement, whichever is later, file with the Board a notice in the prescribed form giving the name and address of a person resident in Ontario who is authorized by the trade union, council of trade unions, employer or employers' organization to act as a designated jurisdictional representative in the event of a dispute as to the assignment of work.

Designation of jurisdictional representative

- (2) Whenever a trade union, council of trade unions, employer or employers' organization changes the authorization referred to in subsection 1 it shall file with the Board notice thereof in the prescribed form within fifteen days after making such change.

Idem



- Idem (3) Where a trade union, council of trade unions, employer or employers' organization files a complaint under subsection 1 of section 66 and it has not complied with subsection 1 or 2, it shall file the required notice with the complaint.
- Commence-  
ment **42.**—(1) This Act, except section 15 and subsection 3 of section 30, comes into force on a day to be named by the Lieutenant Governor by his proclamation.
- Idem (2) Section 15 comes into force on the 1st day of July, 1972.
- Idem (3) Subsection 3 of section 30 comes into force on the 1st day of April, 1971.
- Short title **43.** This Act may be cited as *The Labour Relations Amendment Act, 1970 (No. 2)*.





An Act to amend  
The Labour Relations Act

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*1st Reading*

June 22nd, 1970

*2nd Reading*

October 8th, 1970

*3rd Reading*

November 13th, 1970

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MR. BALES

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3  
356

**BILL 168**

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3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

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**An Act to incorporate  
The Northern Ontario Development Corporation**

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MR. RANDALL

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#### EXPLANATORY NOTE

The Bill establishes the Northern Ontario Development Corporation to perform the function of the Ontario Development Corporation in Northern Ontario.

BILL 168

1970

## An Act to incorporate The Northern Ontario Development Corporation

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.—(1)** In this Act,

Interpre-  
tation

- (a) "Board" means the Board of Directors of the Corporation;
- (b) "Corporation" means the Northern Ontario Development Corporation;
- (c) "industry" includes any trade or other business undertaking of any kind, and "industrial" has a corresponding meaning;
- (d) "Minister" means the Minister of Trade and Development or such other member of the Executive Council as the Lieutenant Governor in Council designates;
- (e) "Northern Ontario" means the districts of Algoma, Cochrane, Manitoulin, Nipissing, Sudbury, Timiskaming, Kenora, Rainy River and Thunder Bay and such other areas as are from time to time designated by the Lieutenant Governor in Council under subsection 2.

(2) The Lieutenant Governor in Council may designate such areas in addition to those described in clause *e* of subsection 1 as he considers advisable.

Designation  
of areas

**2.—(1)** There is hereby established on behalf of Her Majesty in right of Ontario a corporation without share capital under the name of Northern Ontario Development Corporation, consisting of not fewer than five and not more than nine members appointed by the Lieutenant Governor in Council.

Northern  
Ontario  
Development  
Corporation  
established

Vice-chairman of O.D.C. to be member

(2) The vice-chairman of the Ontario Development Corporation is *ex officio* a member of the Corporation.

Seal

(3) The Corporation shall have a seal, which shall be adopted by resolution or by-law.

Fiscal year

(4) The fiscal year of the Corporation commences on the 1st day of April in each year and ends on the 31st day of March in the following year.

R.S.O. 1960, c. 71 does not apply

(5) *The Corporations Act* does not apply to the Corporation.

Board of Directors

**3.**—(1) The members for the time being of the Corporation form and are its Board of Directors, and the Lieutenant Governor in Council shall designate one of them as chairman and one of them as vice-chairman of the Board.

Remuneration

(2) The Corporation may pay such of its directors as are not officers in the public service of Ontario such remuneration and expense allowance as may from time to time be fixed by the Lieutenant Governor in Council.

Quorum

(3) A majority of the directors for the time being constitutes a quorum at meetings of the Board.

By-laws

(4) The Board may make by-laws regulating its proceedings and generally for the conduct and management of the affairs of the Corporation.

Management

**4.**—(1) The affairs of the Corporation are under the management and control of the Board for the time being, and the chairman shall preside at all meetings of the Board and, in his absence or if the office of chairman is vacant, the vice-chairman has all the powers and shall perform all the duties of the chairman.

Executive committee

(2) When the number of directors of the Corporation is more than six, the Board may pass a by-law authorizing the election from among the directors of the Corporation of an executive committee consisting of not fewer than three and delegating to the executive committee any powers of the Board, subject to the restrictions, if any, contained in the by-law or imposed from time to time by the Board.

Quorum

(3) An executive committee may fix its quorum at not less than a majority of its members.

Objects

**5.** The objects of the Corporation are to encourage and assist in the development and diversification of industry in Northern Ontario, including, without limiting the generality of the foregoing,

- (a) the provision of financial assistance by loan, guarantee or purchase of shares or other securities;
- (b) the provision of sites, equipment, premises, facilities and services; and
- (c) the provision of technical, business and financial information, advice, training and guidance to persons or organizations, whether or not incidental to the provision of financial assistance.

**6.—**(1) Notwithstanding any other Act, the Corporation <sup>Powers</sup> for the objects set out in section 5 may, subject to the approval of the Lieutenant Governor in Council,

- (a) lend money to a person carrying on any industrial undertaking in Northern Ontario where in the opinion of the Board the funds in the circumstances are not available elsewhere on reasonable terms;
- (b) guarantee the payment of any loan, or any part thereof, and all or any part of the interest thereon, made by a lender to a person carrying on any industrial undertaking in Northern Ontario where in the opinion of the Board the funds in the circumstances are not available elsewhere on reasonable terms;
- (c) lend money to a person establishing or substantially expanding any industrial undertaking in an area of equalization of industrial opportunity in Northern Ontario approved under section 5 of *The Department of Trade and Development Act, 1968*; <sup>1968, c. 30</sup>
- (d) buy, hold, own, hire, maintain, control, take, lease, sell, assign, exchange, transfer, manage, improve, develop or otherwise deal in and dispose of, either absolutely or by way of security or otherwise, any property real and personal, movable and immovable, and assets generally;
- (e) exercise such ancillary powers as are necessary to carry out its objects.

(2) Where the approval of an area of equalization of industrial opportunity is rescinded, the Corporation may <sup>Application of</sup> proceed to exercise its power under clause c of subsection 1 in respect of any person whose application has been accepted before the rescission.



Maximum  
loans

(3) No loan authorized under clause *c* of subsection 1 shall,

(a) exceed one-third of the first \$250,000 of the cost of the undertaking and one-quarter of the balance of the cost thereof, or \$500,000, whichever is the lesser;

(b) be wholly forgiven in less than five years from the date upon which moneys are first advanced.

O.D.C.  
deemed  
creditor

1966, c. 100

(4) In respect of a loan under clause *a* or *c* of subsection 1, the Ontario Development Corporation shall be deemed to be the creditor and *The Ontario Development Corporation Act, 1966* applies to the loan in the same manner as if the loan were made by the Ontario Development Corporation under that Act.

Validity of  
guarantee

(5) Every guarantee executed under the seal of the Corporation and signed by the Treasurer of Ontario and given or purporting to be given under the authority of this section is binding upon Ontario and is not open to question upon any ground whatsoever.

Staff of  
Corporation  
1961-62,  
c. 121

**7.**—(1) Such officers, clerks and servants may be appointed under *The Public Service Act, 1961-62* as are deemed necessary for the proper conduct of the business of the Corporation.

Super-  
annuation  
R.S.O. 1960,  
c. 332

(2) *The Public Service Superannuation Act* applies to the permanent staff of the Corporation as though the Corporation had been designated by the Lieutenant Governor in Council under section 27 of that Act.

Professional  
and other  
assistance

**8.** The Corporation may engage persons other than those appointed under section 7 to provide professional, technical or other assistance to or on behalf of the Corporation, and may prescribe the duties and other terms of engagement and, subject to the approval of the Lieutenant Governor in Council, provide for payment of the remuneration and expenses of such persons.

Moneys

**9.** The moneys required for the purposes of this Act shall, during the fiscal year 1970-71, be paid out of the moneys appropriated by the Legislature for the purposes of the Ontario Development Corporation, and thereafter shall be paid out of the moneys appropriated by the Legislature for the purpose.

Limitation  
of  
liability

**10.** No member, officer or employee of the Corporation, or other person acting on behalf of the Corporation is personally liable for anything in good faith done or omitted in the exercise or purported exercise of the powers conferred by this Act.

**11.** The accounts and financial transactions of the Corporation shall be audited annually by the Provincial Auditor, and a report of the audit shall be made to the Corporation and to the Minister.

**12.**—(1) The Corporation shall make a report annually to the Minister upon the affairs of the Corporation, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

(2) The Corporation shall, in addition to making an annual report under subsection 1, make to the Minister such other reports of its affairs and operations as he may require.

**13.** *The Mortgage Brokers Registration Act* does not apply to the Corporation.

R.S.O. 1960,  
c. 244 not  
to apply

**14.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Commence-  
ment

**15.** This Act may be cited as *The Northern Ontario Development Corporation Act, 1970*.

Short title

An Act to incorporate  
The Northern Ontario  
Development Corporation

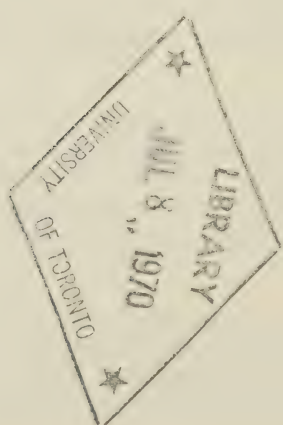
*1st Reading*

*June 22nd, 1970*

*2nd Reading*

*3rd Reading*

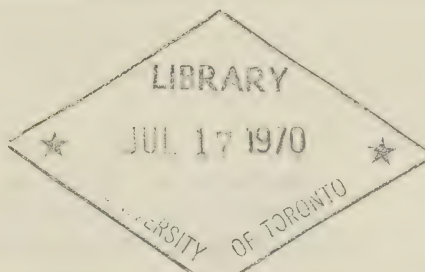
MR. RANDALL



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3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

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**An Act to incorporate  
The Northern Ontario Development Corporation**

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MR. RANDALL

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BILL 168

1970

## An Act to incorporate The Northern Ontario Development Corporation

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) In this Act,

Interpre-  
tation

- (a) "Board" means the Board of Directors of the Corporation;
- (b) "Corporation" means the Northern Ontario Development Corporation;
- (c) "industry" includes any trade or other business undertaking of any kind, and "industrial" has a corresponding meaning;
- (d) "Minister" means the Minister of Trade and Development or such other member of the Executive Council as the Lieutenant Governor in Council designates;
- (e) "Northern Ontario" means the districts of Algoma, Cochrane, Manitoulin, Nipissing, Sudbury, Timiskaming, Kenora, Rainy River and Thunder Bay and such other areas as are from time to time designated by the Lieutenant Governor in Council under subsection 2.

(2) The Lieutenant Governor in Council may designate such areas in addition to those described in clause *e* of subsection 1 as he considers advisable.

Designation  
of areas

**2.**—(1) There is hereby established on behalf of Her Majesty in right of Ontario a corporation without share capital under the name of Northern Ontario Development Corporation, consisting of not fewer than five and not more than nine members appointed by the Lieutenant Governor in Council.

Northern  
Ontario  
Development  
Corporation  
established



Vice-chairman of O.D.C. to be member	(2) The vice-chairman of the Ontario Development Corporation is <i>ex officio</i> a member of the Corporation.
Seal	(3) The Corporation shall have a seal, which shall be adopted by resolution or by-law.
Fiscal year	(4) The fiscal year of the Corporation commences on the 1st day of April in each year and ends on the 31st day of March in the following year.
R.S.O. 1960, c. 71 does not apply	(5) <i>The Corporations Act</i> does not apply to the Corporation.
Board of Directors	<b>3.</b> —(1) The members for the time being of the Corporation form and are its Board of Directors, and the Lieutenant Governor in Council shall designate one of them as chairman and one of them as vice-chairman of the Board.
Remuneration	(2) The Corporation may pay such of its directors as are not officers in the public service of Ontario such remuneration and expense allowance as may from time to time be fixed by the Lieutenant Governor in Council.
Quorum	(3) A majority of the directors for the time being constitutes a quorum at meetings of the Board.
By-laws	(4) The Board may make by-laws regulating its proceedings and generally for the conduct and management of the affairs of the Corporation.
Management	<b>4.</b> —(1) The affairs of the Corporation are under the management and control of the Board for the time being, and the chairman shall preside at all meetings of the Board and, in his absence or if the office of chairman is vacant, the vice-chairman has all the powers and shall perform all the duties of the chairman.
Executive committee	(2) When the number of directors of the Corporation is more than six, the Board may pass a by-law authorizing the election from among the directors of the Corporation of an executive committee consisting of not fewer than three and delegating to the executive committee any powers of the Board, subject to the restrictions, if any, contained in the by-law or imposed from time to time by the Board.
Quorum	(3) An executive committee may fix its quorum at not less than a majority of its members.
Objects	<b>5.</b> The objects of the Corporation are to encourage and assist in the development and diversification of industry in Northern Ontario, including, without limiting the generality of the foregoing,

- (a) the provision of financial assistance by loan, guarantee or purchase of shares or other securities;
- (b) the provision of sites, equipment, premises, facilities and services; and
- (c) the provision of technical, business and financial information, advice, training and guidance to persons or organizations, whether or not incidental to the provision of financial assistance.

**6.**—(1) Notwithstanding any other Act, the Corporation <sup>Powers</sup> for the objects set out in section 5 may, subject to the approval of the Lieutenant Governor in Council,

- (a) lend money to a person carrying on any industrial undertaking in Northern Ontario where in the opinion of the Board the funds in the circumstances are not available elsewhere on reasonable terms;
- (b) guarantee the payment of any loan, or any part thereof, and all or any part of the interest thereon, made by a lender to a person carrying on any industrial undertaking in Northern Ontario where in the opinion of the Board the funds in the circumstances are not available elsewhere on reasonable terms;
- (c) lend money to a person establishing or substantially expanding any industrial undertaking in an area of equalization of industrial opportunity in Northern Ontario approved under section 5 of *The Department of Trade and Development Act, 1968*; <sup>1968, c. 30</sup>
- (d) buy, hold, own, hire, maintain, control, take, lease, sell, assign, exchange, transfer, manage, improve, develop or otherwise deal in and dispose of, either absolutely or by way of security or otherwise, any property real and personal, movable and immovable, and assets generally;
- (e) exercise such ancillary powers as are necessary to carry out its objects.

(2) Where the approval of an area of equalization of industrial opportunity is rescinded, the Corporation may <sup>Application of</sup> proceed to exercise its power under clause c of subsection 1 in respect of any person whose application has been accepted before the rescission.

Maximum  
loans

(3) No loan authorized under clause *c* of subsection 1 shall,

(a) exceed one-third of the first \$250,000 of the cost of the undertaking and one-quarter of the balance of the cost thereof, or \$500,000, whichever is the lesser;

(b) be wholly forgiven in less than five years from the date upon which moneys are first advanced.

O.D.C.  
deemed  
creditor

1966, c. 100

(4) In respect of a loan under clause *a* or *c* of subsection 1, the Ontario Development Corporation shall be deemed to be the creditor and *The Ontario Development Corporation Act, 1966* applies to the loan in the same manner as if the loan were made by the Ontario Development Corporation under that Act.

Validity of  
guarantee

(5) Every guarantee executed under the seal of the Corporation and signed by the Treasurer of Ontario and given or purporting to be given under the authority of this section is binding upon Ontario and is not open to question upon any ground whatsoever.

Staff of  
Corporation  
1961-62,  
c. 121

**7.—**(1) Such officers, clerks and servants may be appointed under *The Public Service Act, 1961-62* as are deemed necessary for the proper conduct of the business of the Corporation.

Super-  
annuation  
R.S.O. 1960,  
c. 332

(2) *The Public Service Superannuation Act* applies to the permanent staff of the Corporation as though the Corporation had been designated by the Lieutenant Governor in Council under section 27 of that Act.

Professional  
and other  
assistance

**8.** The Corporation may engage persons other than those appointed under section 7 to provide professional, technical or other assistance to or on behalf of the Corporation, and may prescribe the duties and other terms of engagement and, subject to the approval of the Lieutenant Governor in Council, provide for payment of the remuneration and expenses of such persons.

Moneys

**9.** The moneys required for the purposes of this Act shall, during the fiscal year 1970-71, be paid out of the moneys appropriated by the Legislature for the purposes of the Ontario Development Corporation, and thereafter shall be paid out of the moneys appropriated by the Legislature for the purpose.

Limitation  
of  
liability

**10.** No member, officer or employee of the Corporation, or other person acting on behalf of the Corporation is personally liable for anything in good faith done or omitted in the exercise or purported exercise of the powers conferred by this Act.

**11.** The accounts and financial transactions of the Corporation shall be audited annually by the Provincial Auditor, and a report of the audit shall be made to the Corporation and to the Minister. <sup>Audit</sup>

**12.—**(1) The Corporation shall make a report annually to the Minister upon the affairs of the Corporation, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. <sup>Annual report</sup>

(2) The Corporation shall, in addition to making an annual report under subsection 1, make to the Minister such other reports of its affairs and operations as he may require. <sup>Other reports</sup>

**13.** *The Mortgage Brokers Registration Act* does not apply to the Corporation. <sup>R.S.O. 1960, c. 244 not to apply</sup>

**14.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. <sup>Commencement</sup>

**15.** This Act may be cited as *The Northern Ontario Development Corporation Act, 1970*. <sup>Short title</sup>

An Act to incorporate  
The Northern Ontario  
Development Corporation

*1st Reading*

*June 22nd, 1970*

*2nd Reading*

*June 25th, 1970*

*3rd Reading*

*June 26th, 1970*

MR. RANDALL



**BILL 169**

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3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

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**An Act respecting the City of Hamilton**

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MR. McKEOUGH

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EXPLANATORY NOTE

Self-explanatory.

BILL 169

1970

## An Act respecting the City of Hamilton

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The council of The Corporation of the City of Hamilton may pass by-laws for granting to Dominion Foundries and Steel, Limited by way of easement, lease or otherwise the right to construct, maintain and use, on the public highway known as Ottawa Street North in the City of Hamilton, supporting structures for bearing pollution control buildings and equipment and the right to construct, maintain and use pollution control buildings and equipment located over the said Ottawa Street North on such supporting structures, upon such terms and conditions as the council may determine.

By-laws  
re pollution  
control  
buildings,  
etc.

2. This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

3. This Act may be cited as *The City of Hamilton Act*, 1970.

Short title

An Act respecting  
the City of Hamilton

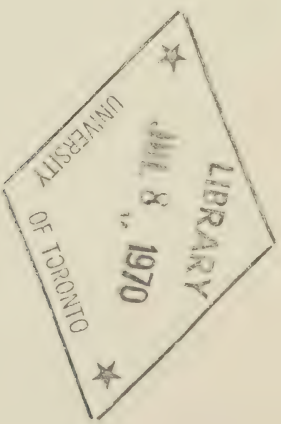
*1st Reading*

June 22nd, 1970

*2nd Reading*

*3rd Reading*

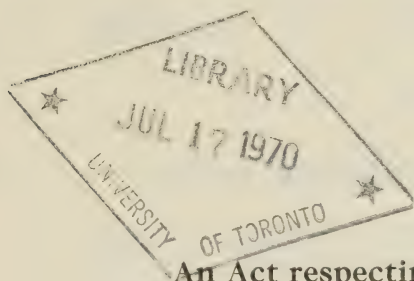
MR. McKEOUGH



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3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

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**An Act respecting the City of Hamilton**

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MR. McKEOUGH

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BILL 169

1970

## An Act respecting the City of Hamilton

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The council of The Corporation of the City of Hamilton may pass by-laws for granting to Dominion Foundries and Steel, Limited by way of easement, lease or otherwise the right to construct, maintain and use, on the public highway known as Ottawa Street North in the City of Hamilton, supporting structures for bearing pollution control buildings and equipment and the right to construct, maintain and use pollution control buildings and equipment located over the said Ottawa Street North on such supporting structures, upon such terms and conditions as the council may determine.

**2.** This Act comes into force on the day it receives Royal Assent.

**3.** This Act may be cited as *The City of Hamilton Act*, 1970.



An Act respecting  
the City of Hamilton

*1st Reading*

June 22nd, 1970

*2nd Reading*

June 25th, 1970

*3rd Reading*

June 25th, 1970

MR. McKEOUGH

**BILL 170**

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3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

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**An Act respecting Senior Citizens Week**

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MR. CARRUTHERS

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TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER



BILL 170

1970

## An Act respecting Senior Citizens Week

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The council of a municipality may by by-law proclaim the week beginning with the third Sunday in June of each year as Senior Citizens Week to be observed in the municipality for the purpose of encouraging,

Senior  
Citizens  
Week

- (a) the recognition of contributions made over the years by aged men and women to the life of Ontario;
- (b) the appreciation of past and present services rendered by outstanding aged persons, either individually or in associations;
- (c) the development of special programs and projects by and for the aged in communities throughout Ontario; and
- (d) the stimulation of general interest in and knowledge of aging and the aged,

and the by-law may proclaim the Saturday culminating Senior Citizens Week as Senior Citizens Day for such purpose.

2. The Department of Social and Family Services shall have responsibility for promoting and encouraging observance of Senior Citizens Week, where proclaimed, and shall include in all co-operative planning with local municipal groups,

Government  
departments  
and  
agencies

- (a) the United Senior Citizens of Ontario, Incorporated and similar independent groups of retired persons, residents' councils from homes for the aged as well as administrators, board and committee members, elderly persons centres, local social welfare councils, service clubs, libraries, the churches and other civic-minded organizations; and

(b) all departments, commissions and other agencies of the Government of Ontario.

Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** This Act may be cited as *The Senior Citizens Week Act, 1970*.









An Act respecting  
Senior Citizens Week

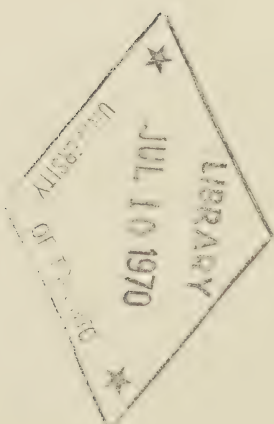
*1st Reading*

June 22nd, 1970

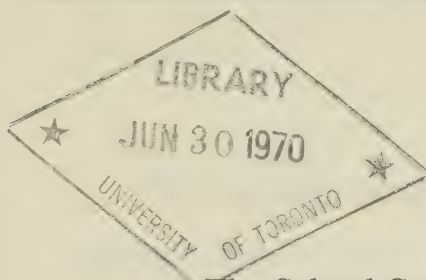
*2nd Reading*

*3rd Reading*

MR. CARRUTHERS



3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970



### The School Crossing Guards Act, 1970

MR. REID (Scarborough East)

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### EXPLANATORY NOTE

This Act provides a means of regulating and controlling school crossing guards, and provides guards with limited authority to direct traffic.

BILL 171

1970

## The School Crossing Guards Act, 1970

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

(a) "Board" means the School Crossing Guards Board.

(b) "guard" means a person who is a school crossing guard and who has been appointed as a special constable under *The Police Act*.

R.S.O. 1960,  
c. 298

**2.** A municipality may appoint a board to be known as the "School Crossing Guards Board", which shall consist of,

Members of  
the Board

(a) one representative to be appointed by the police commission of the municipality, or where there is no police commission, by the committee of council in that municipality;

(b) one representative to be appointed by the director of the roads department of the municipality, or where there is no roads department by the district engineer of the Department of Highways in that municipality;

(c) one representative to be appointed from each of the boards of education in the municipality; and

(d) one representative to be appointed from each of the Home and School Associations in the municipality.

**3.** The Board shall appoint persons to act as guards in the area in which the Board has jurisdiction.

Appointment  
of guards

**4.** The Board shall establish minimum rates of wages to be paid by the municipality, for all guards, and generally enact provisions with respect to conditions of employment.

Wages



Training  
course to be  
established

**5.** The Board shall establish a training course for the training of guards.

Area to be  
patrolled

**6.** The Board shall determine which area or areas in the municipality are to be patrolled by a guard or guards, as the case may be.

Power to  
direct traffic  
R.S.O. 1960,  
c. 172

**7.** Notwithstanding the provisions of *The Highway Traffic Act*, a guard may while he is on duty, stop or direct traffic according to his discretion, for the purpose of assisting children to cross the roadway safely at a crosswalk and every person shall obey his directions.

Commence-  
ment

**8.** This Act comes into force on the day it receives Royal Assent.

Short title

**9.** This Act may be cited as *The School Crossing Guards Act, 1970*.







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The School Crossing Guards Act, 1970

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*1st Reading*

June 22nd, 1970

*2nd Reading*

*3rd Reading*

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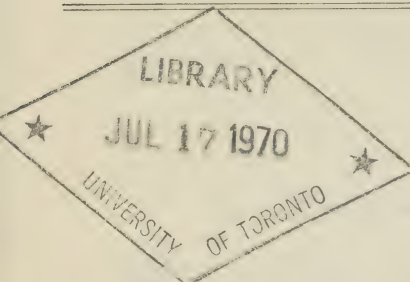
Mr. REID (Scarborough East)

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## BILL 172

Government  
Publication

3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970



An Act to amend The Municipal Act

Mr. McKEOUGH

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER



#### EXPLANATORY NOTE

The amendments are a revision of the provisions respecting the borrowing authority available to municipalities.

BILL 172

1970

## An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 282 of *The Municipal Act*, as amended by section 9 of *The Municipal Amendment Act, 1960-61*, is further amended by adding thereto the following subsections:

- (3a) Notwithstanding subsection 3, a local municipality having a population of not less than 20,000 as determined under *The Municipal Unconditional Grants Act* may by by-law, without the assent of the electors,
- (a) authorize the borrowing of money by the issue of instalment debentures the last issue of which shall mature not earlier than ten years after the date upon which they are issued and a specified sum of principal payable thereunder in the final year shall be raised by the issue of refunding debentures as provided in clause b, and it shall not be necessary to raise by special rate in the year of maturity of the debentures to be refunded an amount equal to the specified principal amount of the debentures which are being refunded; and
- (b) authorize the issue of debentures to refund at maturity outstanding debentures of the municipality, provided that the refunding debentures shall be payable within the maximum period of years that was approved by the order of the Municipal Board for the repayment of debentures issued for the debt for which the outstanding debentures were issued, commencing on the date of the debentures originally issued for such debt,

R.S.O. 1960,  
c. 249, s. 282,  
amended

Instalment  
debentures  
and  
debentures  
to refund  
existing  
debentures  
at maturity  
R.S.O. 1960,  
c. 259

and any such by-law shall provide that the sums of principal and interest payable under the by-law shall be raised by a rate or rates imposed on such persons or property as may be specified in the by-law and such rate or rates shall be levied upon the same persons or property in each case.

Exchange of  
debentures  
permitted  
R.S.O. 1960,  
c. 259

- (14) On request of the owner of any debenture issued by a local municipality having a population of not less than 20,000 as determined under *The Municipal Unconditional Grants Act*, the treasurer of the municipality may issue and deliver to such owner a new debenture or debentures in exchange therefor, for the same aggregate principal amount, bearing the same rate of interest and maturing on the same date as the debenture so exchanged and bearing all unmatured interest obligations, and the new debenture or debentures shall be deemed to be issued under the same by-law as the debentures so exchanged.

Fully  
registered  
debentures

- (15) Any new debenture mentioned in subsection 14 may be registered as to both principal and interest with provision for payment of interest by cheque, or may be payable to bearer with provision for registration as to principal only and have coupons attached for the payment of interest but in all other respects shall be of the same force and effect as the debenture surrendered for exchange.

Destruction  
of  
debentures  
surrendered  
for exchange

- (16) All debentures surrendered for exchange under subsection 14 shall be cancelled and destroyed in the presence of the treasurer and the auditor of the municipality and they shall certify in the Debenture Registry Book that the debentures have been cancelled and destroyed and enter therein particulars of any new debentures issued in exchange.

By-law to  
provide for  
exchange of  
debentures

- (17) A money by-law may provide for exchanges of debentures as provided for in subsection 14 on such terms and conditions as to notice or otherwise as the by-law may provide.

R.S.O. 1960,  
c. 249,  
amended

Debentures  
payable on a  
fixed date

**2. *The Municipal Act* is amended by adding thereto the following section:**

282a. Notwithstanding any other provision in this Act,

- (a) a money by-law of a local municipality having a population of not less than 20,000 as deter-

subject to  
the annual  
redemption  
by lot of a  
specified  
principal  
amount

mined under *The Municipal Unconditional Grants Act* may provide that all or a portion of the debentures to be issued thereunder shall be payable on a fixed date, subject to the obligation of the municipality to redeem by lot annually on each anniversary of the date of such debentures a specified principal amount of such debentures upon payment by the municipality of such principal amount plus accrued interest to the date of redemption and upon giving notice as provided in this section;

- (b) the principal amount of every debenture that is called for redemption shall become due and payable on the date set for the redemption thereof and, after such date, interest ceases to accrue on date set for redemption interest ceases to accrue on date set for redemption
- (c) the debentures to be redeemed on each anniversary of the date of such debentures shall be selected by lot by the treasurer of the municipality at a public meeting of the council and when redeemed shall be cancelled and shall not be reissued, provided always that the principal amount of the debentures to be redeemed in any year may be reduced by the principal amount of any debentures purchased by the municipality, at a price or prices not exceeding the principal amount thereof, and surrendered for cancellation on the date fixed for redemption; debentures to be redeemed may be purchased
- (d) notice of intention to redeem any debenture shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person, if any, in whose name the debenture may be registered at the address shown in the Debenture Registry Book; notice to redeem to be sent by mail
- (e) notice of intention to redeem any debenture shall be published at least thirty days prior to the date set for such redemption in such manner as the by-law may provide; notice to redeem to be published
- (f) where only a portion of the debentures issued under a by-law is payable on a fixed date, the obligation of the municipality to redeem by fixed date where only portion of debentures payable on fixed date

lot annually a specified principal amount of such debentures does not apply in any year in which an instalment of principal of the remaining debentures issued under such by-law becomes due and payable; and

annual  
amounts  
payable to  
be  
approx-  
imately equal

- (g) the aggregate amounts of principal and interest, or the amounts of principal, payable in each year during the currency of debentures issued under this section shall be approximately equal.

R.S.O. 1960,  
c. 249, s. 284,  
re-enacted

**3.** Section 284 of *The Municipal Act* is repealed and the following substituted therefor:

Sinking fund  
debentures

284.—(1) Notwithstanding section 282 and subject to the approval of the Department, a local municipality having a population of not less than 20,000 as determined under *The Municipal Unconditional Grants Act* may provide in any money by-law for the issuing of debentures that the principal shall be made payable on a fixed date with interest payable annually or semi-annually, in which case the debentures issued under the by-law shall be known as sinking fund debentures.

R.S.O. 1960,  
c. 259

Amounts to  
be raised  
annually

- (2) The by-law shall provide for the raising in each year during the currency of the debentures, by a special rate on all the rateable property in the municipality, of

(a) a specific amount, sufficient to pay the interest on the debentures; and

(b) a specific amount for the sinking fund which, with interest at a rate not to exceed 5 per cent per annum, compounded yearly, will be sufficient to pay the principal of the debentures at maturity,

to the extent that such sums have not been provided for by any special rate or rates imposed on persons or property made especially liable therefor by the by-law or by any other by-law or by-laws passed by the municipality or any other municipality in accordance with any general or special Act.

Amounts  
raised  
annually to  
be paid to a  
trustee

- (3) Every money by-law passed under this section shall provide that the municipality shall appoint a chartered bank to be the trustee of the sinking fund under the terms of a trustee agreement approved by



the Department, and the annual amount to be raised under clause *b* of subsection 2 shall be paid to such trustee on or before the anniversary date in each year of the currency of the debentures.

- (4) The trustee shall receive all specific amounts raised for sinking fund purposes and the income from all the investments of the sinking fund and shall from time to time invest the money so received and may vary any investment. Powers of trustee
  
- (5) The trustee may invest, Authorized investments
  - (a) in securities in which a trustee may invest under the provisions of *The Trustee Act*; R.S.O. 1960, c. 408.
  - (b) in securities issued by the United States of America;
  - (c) in such other securities as are authorized by the Lieutenant Governor in Council;
  - (d) in the debentures to the payment of which the sinking fund is applicable; and
  - (e) with the approval of the Department, not more than 25 per cent of the total sinking fund at any one time in other debentures of the municipality,

provided that the securities in which the sinking fund or any part thereof is invested shall mature or be redeemable at the option of the holder not later than the maturity date of the debentures to the payment of which the sinking fund is applicable.
  
- (6) The trustee shall, not later than the 31st day of January in each year, submit to the Department and to the auditor of the municipality a financial statement of the sinking fund at the close of the previous calendar year and such statement shall contain a list of the investments held in the sinking fund. Annual financial statement to be submitted by trustee
  
- (7) When, at the 31st day of December in any year, there is a balance in the sinking fund in excess of the amount then required for the retirement of the sinking fund debentures as certified by the auditor, such balance or part thereof shall, upon the written request of the municipality, be applied Surplus in sinking fund



by the trustee to the payment of the amount required for such sinking fund in the next succeeding year and the amount of the payment required to be paid to the trustee in such year in accordance with subsection 3 and the levy for the sinking fund in such year shall be reduced accordingly.

Deficiency in  
sinking fund

- (8) When, at the 31st day of December in any year, the amount of a sinking fund is less than the amount then required for the retirement of the sinking fund debentures as certified by the auditor, the municipality shall pay to the trustee an amount sufficient to make up the deficiency in the sinking fund.

Disposition  
of sinking  
fund at  
maturity of  
debentures

- (9) At the maturity of the debentures for which the sinking fund was established, the trustee shall pay to the treasurer of the municipality the amount accumulated in the sinking fund.

R.S.O. 1960,  
c. 249, s. 285,  
subs. 3,  
re-enacted

4. Subsection 3 of section 285 of *The Municipal Act* is repealed and the following substituted therefor:

Approval of  
Department

- (3) No by-law for the borrowing and raising of money by the issue of debentures expressed and payable in sterling or dollars of the United States of America shall be passed until approved by the Department.

Debentures  
payable in  
foreign  
currency

R.S.O. 1960,  
c. 259

- (4) Notwithstanding any other provision of this Act or any other Act, and in addition to all other types of debentures authorized to be issued under this Act, a local municipality having a population of not less than 100,000 as determined under *The Municipal Unconditional Grants Act* may by by-law, without the assent of the electors but subject to the prior approval of the Lieutenant Governor in Council, authorize the borrowing of money by the issue of debentures payable as to principal and interest in a currency other than that of Canada, the United States of America or Great Britain as the council of the municipality considers expedient.

R.S.O. 1960,  
c. 249,  
Pt. XII,  
amended

5. Part XII of *The Municipal Act* is amended by adding thereto the following section:

Regulations

- 293a. The Lieutenant Governor in Council may make such regulations with respect to the issue and sale of debentures as he considers necessary for carrying out the purposes of this Part.

**6.** Sections 313, 314, 315 and 316 of *The Municipal Act* are repealed. R.S.O. 1960,  
c. 249, ss.  
313-316,  
repealed

**7.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**8.** This Act may be cited as *The Municipal Amendment Act*, Short title  
1970 (No. 3).





An Act to amend The Municipal Act

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*1st Reading*

June 26th, 1970

*2nd Reading*

*3rd Reading*

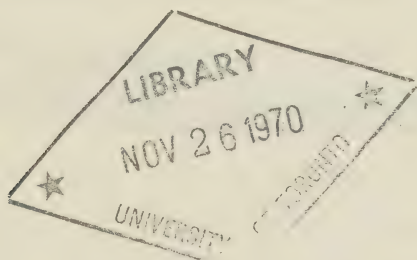
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MR. McKEOUGH

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**BILL 172**

3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

**An Act to amend The Municipal Act**

MR. McKEOUGH

*(Reprinted as amended by the Committee of the Whole House)*

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER



#### EXPLANATORY NOTE

The amendments are a revision of the provisions respecting the borrowing authority available to municipalities.

BILL 172

1970

## An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 282 of *The Municipal Act*, as amended by <sup>R.S.O. 1960, c. 249, s. 282,</sup> section 9 of *The Municipal Amendment Act, 1960-61*, is <sup>amended</sup> further amended by adding thereto the following subsections:

- (3a) Notwithstanding subsection 3, a local municipality <sup>Instalment debentures and debentures to refund existing debentures at maturity</sup> having a population of not less than 20,000 as determined under *The Municipal Unconditional Grants Act* may by by-law, without the assent of the electors, <sup>R.S.O. 1960, c. 259</sup>
- (a) authorize the borrowing of money by the issue of instalment debentures the last instalment of which shall mature not earlier than ten years after the date upon which they are issued and a specified sum of principal payable thereunder in the final year shall be raised by the issue of refunding debentures as provided in clause *b*, and it shall not be necessary to raise by special rate in the year of maturity of the debentures to be refunded an amount equal to the specified principal amount of the debentures which are being refunded; and
- (b) authorize the issue of debentures to refund at maturity outstanding debentures of the municipality, provided that the refunding debentures shall be payable within the maximum period of years that was approved by the order of the Municipal Board for the repayment of debentures issued for the debt for which the outstanding debentures were issued, commencing on the date of the debentures originally issued for such debt,

and any such by-law shall provide that the sums of principal and interest payable under the by-law shall be raised by a rate or rates imposed on such persons or property as may be specified in the by-law and such rate or rates shall be levied upon the same persons or property in each case.

Exchange of  
debentures  
permitted  
R.S.O. 1960,  
c. 259

- (14) On request of the owner of any debenture issued by a local municipality having a population of not less than 20,000 as determined under *The Municipal Unconditional Grants Act*, the treasurer of the municipality may issue and deliver to such owner a new debenture or debentures in exchange therefor, for the same aggregate principal amount, bearing the same rate of interest and maturing on the same date as the debenture so exchanged and bearing all unmatured interest obligations, and the new debenture or debentures shall be deemed to be issued under the same by-law as the debentures so exchanged.

Fully  
registered  
debentures

- (15) Any new debenture mentioned in subsection 14 may be registered as to both principal and interest with provision for payment of interest by cheque, or may be payable to bearer with provision for registration as to principal only and have coupons attached for the payment of interest but in all other respects shall be of the same force and effect as the debenture surrendered for exchange.

Destruction  
of  
debentures  
surrendered  
for exchange

- (16) All debentures surrendered for exchange under subsection 14 shall be cancelled and destroyed in the presence of the treasurer and some other person designated for the purpose by by-law or resolution of the council of the municipality and they shall certify in the Debenture Registry Book that the debentures have been cancelled and destroyed and enter therein particulars of any new debentures issued in exchange.

By-law to  
provide for  
exchange of  
debentures

- (17) A money by-law may provide for exchanges of debentures as provided for in subsection 14 on such terms and conditions as to notice or otherwise as the by-law may provide.

R.S.O. 1960,  
c. 249,  
amended

**2.** *The Municipal Act* is amended by adding thereto the following section:

- 282a. Notwithstanding any other provision in this Act,
- (a) a money by-law of a local municipality having a population of not less than 20,000 as determined under *The Municipal Unconditional Grants Act* may provide that all or a portion of the debentures to be issued thereunder shall be payable on a fixed date, subject to the obligation of the municipality to redeem by lot annually on each anniversary of the date of such debentures a specified principal amount of such debentures upon payment by the municipality of such principal amount plus accrued interest to the date of redemption and upon giving notice as provided in this section;  
Debentures payable on a fixed date subject to the annual redemption by lot of a specified principal amount R.S.O. 1960, c. 259
  - (b) the principal amount of every debenture that is called for redemption shall become due and payable on the date set for the redemption thereof and, after such date, interest ceases to accrue thereon where provision is duly made by the municipality for the payment of the principal amount thereof;  
interest ceases to accrue on date set for redemption
  - (c) the debentures to be redeemed on each anniversary of the date of such debentures shall be selected by lot by the treasurer of the municipality at a public meeting of the council and when redeemed shall be cancelled and shall not be reissued, provided always that the principal amount of the debentures to be redeemed in any year may be reduced by the principal amount of any debentures purchased by the municipality, at a price or prices not exceeding the principal amount thereof, and surrendered for cancellation on the date fixed for redemption;  
debentures to be redeemed may be purchased
  - (d) notice of intention to redeem any debenture shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person, if any, in whose name the debenture may be registered at the address shown in the Debenture Registry Book;  
notice to redeem to be sent by mail
  - (e) notice of intention to redeem any debenture shall be published at least thirty days prior to the date set for such redemption in such manner as the by-law may provide;  
notice to redeem to be published
  - (f) where only a portion of the debentures issued under a by-law is payable on a fixed date, the  
where only portion of debentures payable on fixed date

obligation of the municipality to redeem by lot annually a specified principal amount of such debentures does not apply in any year in which an instalment of principal of the remaining debentures issued under such by-law becomes due and payable; and

annual  
amounts  
payable to  
be  
approx-  
imately equal

- (g) the aggregate amounts of principal and interest, or the amounts of principal, payable in each year during the currency of debentures issued under this section shall be approximately equal.

R.S.O. 1960,  
c. 249, s. 284,  
re-enacted

3. Section 284 of *The Municipal Act* is repealed and the following substituted therefor:

Sinking fund  
debentures

284.—(1) Notwithstanding section 282 and subject to the approval of the Department, a local municipality having a population of not less than 20,000 as determined under *The Municipal Unconditional Grants Act* may provide in any money by-law for the issuing of debentures that the principal shall be made payable on a fixed date with interest payable annually or semi-annually, in which case the debentures issued under the by-law shall be known as sinking fund debentures.

R.S.O. 1960,  
c. 259

Amounts to  
be raised  
annually

- (2) The by-law shall provide for the raising in each year during the currency of the debentures, by a special rate on all the rateable property in the municipality, of

(a) a specific amount, sufficient to pay the interest on the debentures; and

(b) a specific amount for the sinking fund which, with interest at a rate not to exceed 5 per cent per annum, compounded yearly, will be sufficient to pay the principal of the debentures at maturity,

to the extent that such sums have not been provided for by any special rate or rates imposed on persons or property made especially liable therefor by the by-law or by any other by-law or by-laws passed by the municipality or any other municipality in accordance with any general or special Act.

Amounts  
raised  
annually to  
be paid to a  
bank or trust  
Company



- (3) Every money by-law passed under this section shall provide that the municipality shall, under the terms of an agreement approved by the Department, deposit with a chartered bank or a trust company



that is registered under *The Loan and Trust Corporations Act* the annual amount to be raised under clause *b* of subsection 2 and such amount shall be so deposited on or before the anniversary date in each year of the currency of the debentures.

R.S.O. 1960,  
c. 222

- (4) The bank or trust company shall receive all specific amounts raised for sinking fund purposes and the income from all the investments of the sinking fund and shall from time to time invest the money so received and may vary any investment.

Powers of  
bank or  
trust  
company

- (5) The bank or trust company may invest,

Authorized  
investments

- (a) in securities in which a trustee may invest under the provisions of *The Trustee Act*;

R.S.O. 1960,  
c. 408.

- (b) in securities issued by the United States of America;

- (c) in such other securities as are authorized by the Lieutenant Governor in Council;

- (d) in the debentures to the payment of which the sinking fund is applicable; and

- (e) with the approval of the Department, not more than 25 per cent of the total sinking fund at any one time in other debentures of the municipality,

provided that the securities in which the sinking fund or any part thereof is invested shall mature or be redeemable at the option of the holder not later than the maturity date of the debentures to the payment of which the sinking fund is applicable.

- (6) The bank or trust company shall, not later than the 31st day of January in each year, submit to the Department and to the auditor of the municipality a financial statement of the sinking fund at the close of the previous calendar year and such statement shall contain a list of the investments held in the sinking fund.

Annual  
financial  
statement to  
be submitted  
by bank or  
trust  
company

- (7) When, at the 31st day of December in any year, there is a balance in the sinking fund in excess of the amount then required for the retirement of the sinking fund debentures as certified by the auditor, such balance or part thereof shall, upon the written request of the municipality, be applied

Surplus in  
sinking  
fund



by the bank or trust company to the payment of the amount required for such sinking fund in the next succeeding year and the amount of the payment required to be paid to the bank or trust company in such year in accordance with subsection 3 and the levy for the sinking fund in such year shall be reduced accordingly.

Deficiency in sinking fund

- (8) When, at the 31st day of December in any year, the amount of a sinking fund is less than the amount then required for the retirement of the sinking fund debentures as certified by the auditor, the municipality shall pay to the bank or trust company an amount sufficient to make up the deficiency in the sinking fund.

Disposition of sinking fund at maturity of debentures

- (9) At the maturity of the debentures for which the sinking fund was established, the bank or trust company shall pay to the treasurer of the municipality the amount accumulated in the sinking fund.

R.S.O. 1960, c. 249, s. 285, subs. 3, re-enacted  
Approval of Department

4. Subsection 3 of section 285 of *The Municipal Act* is repealed and the following substituted therefor:

- (3) No by-law for the borrowing and raising of money by the issue of debentures expressed and payable in the currency of Great Britain or of the United States of America shall be passed until approved by the Department.

Debentures payable in foreign currency

- (4) Notwithstanding any other provision of this Act or any other Act, and in addition to all other types of debentures authorized to be issued under this Act, a local municipality having a population of not less than 75,000 as determined under *The Municipal Unconditional Grants Act* may by by-law, without the assent of the electors but subject to the prior approval of the Lieutenant Governor in Council, authorize the borrowing of money by the issue of debentures payable as to principal and interest and redemption premium, if any, in a currency other than that of Canada, the United States of America or Great Britain as the council of the municipality considers expedient.


R.S.O. 1960, c. 249, Pt. XII, amended


5. Part XII of *The Municipal Act* is amended by adding thereto the following section:

Regulations

- 293a. The Lieutenant Governor in Council may make such regulations as he considers necessary for carrying out the purposes of this Part.

**6.** Sections 313, 314, 315 and 316 of *The Municipal Act* are repealed. R.S.O. 1960,  
c. 249, ss.  
313-316,  
repealed

 **7.** Section 323 of *The Municipal Act* is amended by adding thereto the following subsections: R.S.O. 1960,  
c. 249,  
s. 323,  
amended

- (4) A debenture may be registered as to both principal and interest in which case the interest thereon shall be paid by cheque and the debenture may be referred to as a fully registered debenture. Registra-  
tion of  
debenture  
as to  
principal  
and  
interest
- (5) Where debentures are payable in a currency other than that of Canada, the council may provide that the Debenture Registry Book of the corporation in respect of such debentures be maintained outside of Canada by a corporation or person other than the treasurer and may make such other provisions for the registration and transfer of such debentures as the council may deem appropriate. When  
Debenture  
Registry  
Book may  
be main-  
tained out-  
side Canada 

**8.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**9.** This Act may be cited as *The Municipal Amendment Act*, 1970 (No. 3). Short title





An Act to amend The Municipal Act

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*1st Reading*

June 26th, 1970

*2nd Reading*

November 4th, 1970

*3rd Reading*

---

MR. McKEOUGH

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*(Reprinted as amended by the  
Committee of the Whole House)*

**BILL 172**Government  
Publication

3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

**An Act to amend The Municipal Act**

Mr. McKEOUGH



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER





## An Act to amend The Municipal Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 282 of *The Municipal Act*, as amended by R.S.O. 1960, c. 249, s. 282, amended section 9 of *The Municipal Amendment Act, 1960-61*, is further amended by adding thereto the following subsections:

- (3a) Notwithstanding subsection 3, a local municipality having a population of not less than 20,000 as determined under *The Municipal Unconditional Grants Act* may by by-law, without the assent of the electors, Instalment debentures and debentures to refund existing debentures at maturity R.S.O. 1960, c. 259
- (a) authorize the borrowing of money by the issue of instalment debentures the last instalment of which shall mature not earlier than ten years after the date upon which they are issued and a specified sum of principal payable thereunder in the final year shall be raised by the issue of refunding debentures as provided in clause *b*, and it shall not be necessary to raise by special rate in the year of maturity of the debentures to be refunded an amount equal to the specified principal amount of the debentures which are being refunded; and
- (b) authorize the issue of debentures to refund at maturity outstanding debentures of the municipality, provided that the refunding debentures shall be payable within the maximum period of years that was approved by the order of the Municipal Board for the repayment of debentures issued for the debt for which the outstanding debentures were issued, commencing on the date of the debentures originally issued for such debt,

and any such by-law shall provide that the sums of principal and interest payable under the by-law shall be raised by a rate or rates imposed on such persons or property as may be specified in the by-law and such rate or rates shall be levied upon the same persons or property in each case.

. . . . .

Exchange of  
debentures  
permitted  
R.S.O. 1960,  
c. 259

- (14) On request of the owner of any debenture issued by a local municipality having a population of not less than 20,000 as determined under *The Municipal Unconditional Grants Act*, the treasurer of the municipality may issue and deliver to such owner a new debenture or debentures in exchange therefor, for the same aggregate principal amount, bearing the same rate of interest and maturing on the same date as the debenture so exchanged and bearing all unmatured interest obligations, and the new debenture or debentures shall be deemed to be issued under the same by-law as the debentures so exchanged.

Fully  
registered  
debentures

- (15) Any new debenture mentioned in subsection 14 may be registered as to both principal and interest with provision for payment of interest by cheque, or may be payable to bearer with provision for registration as to principal only and have coupons attached for the payment of interest but in all other respects shall be of the same force and effect as the debenture surrendered for exchange.

Destruction  
of  
debentures  
surrendered  
for exchange

- (16) All debentures surrendered for exchange under subsection 14 shall be cancelled and destroyed in the presence of the treasurer and some other person designated for the purpose by by-law or resolution of the council of the municipality and they shall certify in the Debenture Registry Book that the debentures have been cancelled and destroyed and enter therein particulars of any new debentures issued in exchange.

By-law to  
provide for  
exchange of  
debentures

- (17) A money by-law may provide for exchanges of debentures as provided for in subsection 14 on such terms and conditions as to notice or otherwise as the by-law may provide.

R.S.O. 1960,  
c. 249,  
amended

**2.** *The Municipal Act* is amended by adding thereto the following section:

282a. Notwithstanding any other provision in this Act,

- (a) a money by-law of a local municipality having a population of not less than 20,000 as determined under *The Municipal Unconditional Grants Act* may provide that all or a portion of the debentures to be issued thereunder shall be payable on a fixed date, subject to the obligation of the municipality to redeem by lot annually on each anniversary of the date of such debentures a specified principal amount of such debentures upon payment by the municipality of such principal amount plus accrued interest to the date of redemption and upon giving notice as provided in this section;  
Debentures payable on a fixed date subject to the annual redemption by lot of a specified principal amount R.S.O. 1960, c. 259
- (b) the principal amount of every debenture that is called for redemption shall become due and payable on the date set for the redemption thereof and, after such date, interest ceases to accrue thereon where provision is duly made by the municipality for the payment of the principal amount thereof;  
interest ceases to accrue on date set for redemption
- (c) the debentures to be redeemed on each anniversary of the date of such debentures shall be selected by lot by the treasurer of the municipality at a public meeting of the council and when redeemed shall be cancelled and shall not be reissued, provided always that the principal amount of the debentures to be redeemed in any year may be reduced by the principal amount of any debentures purchased by the municipality, at a price or prices not exceeding the principal amount thereof, and surrendered for cancellation on the date fixed for redemption;  
debentures to be redeemed may be purchased
- (d) notice of intention to redeem any debenture shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person, if any, in whose name the debenture may be registered at the address shown in the Debenture Registry Book;  
notice to redeem to be sent by mail
- (e) notice of intention to redeem any debenture shall be published at least thirty days prior to the date set for such redemption in such manner as the by-law may provide;  
notice to redeem to be published
- (f) where only a portion of the debentures issued under a by-law is payable on a fixed date, the  
where only portion of debentures payable on fixed date

obligation of the municipality to redeem by lot annually a specified principal amount of such debentures does not apply in any year in which an instalment of principal of the remaining debentures issued under such by-law becomes due and payable; and

annual  
amounts  
payable to  
be  
approxi-  
mately equal

- (g) the aggregate amounts of principal and interest, or the amounts of principal, payable in each year during the currency of debentures issued under this section shall be approximately equal.

R.S.O. 1960,  
c. 249, s. 284,  
re-enacted

3. Section 284 of *The Municipal Act* is repealed and the following substituted therefor:

Sinking fund  
debentures

284.—(1) Notwithstanding section 282 and subject to the approval of the Department, a local municipality having a population of not less than 20,000 as determined under *The Municipal Unconditional Grants Act* may provide in any money by-law for the issuing of debentures that the principal shall be made payable on a fixed date with interest payable annually or semi-annually, in which case the debentures issued under the by-law shall be known as sinking fund debentures.

R.S.O. 1960,  
c. 259

Amounts to  
be raised  
annually

- (2) The by-law shall provide for the raising in each year during the currency of the debentures, by a special rate on all the rateable property in the municipality, of

(a) a specific amount, sufficient to pay the interest on the debentures; and

(b) a specific amount for the sinking fund which, with interest at a rate not to exceed 5 per cent per annum, compounded yearly, will be sufficient to pay the principal of the debentures at maturity,

to the extent that such sums have not been provided for by any special rate or rates imposed on persons or property made especially liable therefor by the by-law or by any other by-law or by-laws passed by the municipality or any other municipality in accordance with any general or special Act.

Amounts  
raised  
annually to  
be paid to a  
bank or trust  
Company

- (3) Every money by-law passed under this section shall provide that the municipality shall, under the terms of an agreement approved by the Department, deposit with a chartered bank or a trust company



that is registered under *The Loan and Trust Corporations Act* the annual amount to be raised under clause *b* of subsection 2 and such amount shall be so deposited on or before the anniversary date in each year of the currency of the debentures. R.S.O. 1960,  
c. 222

- (4) The bank or trust company shall receive all specific amounts raised for sinking fund purposes and the income from all the investments of the sinking fund and shall from time to time invest the money so received and may vary any investment. Powers of  
bank or  
trust  
company
- (5) The bank or trust company may invest, Authorized  
investments
- (a) in securities in which a trustee may invest under the provisions of *The Trustee Act*; R.S.O. 1960,  
c. 408.
  - (b) in securities issued by the United States of America;
  - (c) in such other securities as are authorized by the Lieutenant Governor in Council;
  - (d) in the debentures to the payment of which the sinking fund is applicable; and
  - (e) with the approval of the Department, not more than 25 per cent of the total sinking fund at any one time in other debentures of the municipality,
- provided that the securities in which the sinking fund or any part thereof is invested shall mature or be redeemable at the option of the holder not later than the maturity date of the debentures to the payment of which the sinking fund is applicable.
- (6) The bank or trust company shall, not later than the 31st day of January in each year, submit to the Department and to the auditor of the municipality a financial statement of the sinking fund at the close of the previous calendar year and such statement shall contain a list of the investments held in the sinking fund. Annual  
financial  
statement to  
be submitted  
by bank or  
trust  
company
- (7) When, at the 31st day of December in any year, there is a balance in the sinking fund in excess of the amount then required for the retirement of the sinking fund debentures as certified by the auditor, such balance or part thereof shall, upon the written request of the municipality, be applied Surplus in  
sinking  
fund



by the bank or trust company to the payment of the amount required for such sinking fund in the next succeeding year and the amount of the payment required to be paid to the bank or trust company in such year in accordance with subsection 3 and the levy for the sinking fund in such year shall be reduced accordingly.

Deficiency in sinking fund

- (8) When, at the 31st day of December in any year, the amount of a sinking fund is less than the amount then required for the retirement of the sinking fund debentures as certified by the auditor, the municipality shall pay to the bank or trust company an amount sufficient to make up the deficiency in the sinking fund.

Disposition of sinking fund at maturity of debentures

- (9) At the maturity of the debentures for which the sinking fund was established, the bank or trust company shall pay to the treasurer of the municipality the amount accumulated in the sinking fund.

R.S.O. 1960, c. 249, s. 285, subs. 3, re-enacted  
Approval of Department

4. Subsection 3 of section 285 of *The Municipal Act* is repealed and the following substituted therefor:

- (3) No by-law for the borrowing and raising of money by the issue of debentures expressed and payable in the currency of Great Britain or of the United States of America shall be passed until approved by the Department.

Debentures payable in foreign currency

- (4) Notwithstanding any other provision of this Act or any other Act, and in addition to all other types of debentures authorized to be issued under this Act, a local municipality having a population of not less than 75,000 as determined under *The Municipal Unconditional Grants Act* may by by-law, without the assent of the electors but subject to the prior approval of the Lieutenant Governor in Council, authorize the borrowing of money by the issue of debentures payable as to principal and interest and redemption premium, if any, in a currency other than that of Canada, the United States of America or Great Britain as the council of the municipality considers expedient.

R.S.O. 1960, c. 249, Pt. XII, amended

5. Part XII of *The Municipal Act* is amended by adding thereto the following section:

Regulations

- 293a. The Lieutenant Governor in Council may make such regulations as he considers necessary for carrying out the purposes of this Part.

**6.** Sections 313, 314, 315 and 316 of *The Municipal Act* are repealed. R.S.O. 1960,  
c. 249, ss.  
313-316,  
repealed

**7.** Section 323 of *The Municipal Act* is amended by adding thereto the following subsections: R.S.O. 1960,  
c. 249,  
s. 323,  
amended

- (4) A debenture may be registered as to both principal and interest in which case the interest thereon shall be paid by cheque and the debenture may be referred to as a fully registered debenture. Registra-  
tion of  
debenture  
as to  
principal  
and  
interest
- (5) Where debentures are payable in a currency other than that of Canada, the council may provide that the Debenture Registry Book of the corporation in respect of such debentures be maintained outside of Canada by a corporation or person other than the treasurer and may make such other provisions for the registration and transfer of such debentures as the council may deem appropriate. When  
Debenture  
Registry  
Book may  
be main-  
tained out-  
side Canada

**8.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**9.** This Act may be cited as *The Municipal Amendment Act, 1970* (No. 3). Short title





An Act to amend The Municipal Act

*1st Reading*

June 26th, 1970

*2nd Reading*

November 4th, 1970

*3rd Reading*

November 5th, 1970

MR. McKEOUGH

**BILL 173**

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3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

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**An Act to amend The Vital Statistics Act**

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MR. WELCH

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TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER



#### EXPLANATORY NOTES

SECTION 1. The provision giving the Deputy Registrar General the rank of Deputy Minister is deleted, bringing the Act into line with administrative practice.

SECTION 2—Subsections 1 and 2. The provisions deleted provide that where a married woman gives birth to a child while living apart from her husband and with another man who is the father, a county court judge may order the real father to be shown in the registration of the birth. The provision is deleted because the procedure is seldom used and the alternative method in subsection 4*c* of section 6 of the Act is available.

## An Act to amend The Vital Statistics Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 4 of *The Vital Statistics Act* is amended by striking out "who shall be deemed to be a deputy minister under *The Public Service Act*" in the second, third and fourth lines and by striking out "directly" in the fifth line, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 419, s. 4,  
subs. 1,  
amended

- (1) There shall be a Deputy Registrar General appointed by the Lieutenant Governor in Council who shall have direct supervision of the office of the Registrar General and be responsible to the Registrar General for the conduct of his office and who shall perform such other duties as may be prescribed by the regulations or delegated to him by the Registrar General.

Deputy  
Registrar  
General

2.—(1) Subsection 4 of section 6 of *The Vital Statistics Act*, as re-enacted by section 1 of *The Vital Statistics Amendment Act, 1960-61* and amended by subsection 1 of section 1 of *The Vital Statistics Amendment Act, 1962-63*, is further amended by striking out "subsections 4a and" in the amendment of 1962-63 and inserting in lieu thereof "subsection", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 419, s. 6,  
subs. 4,  
(1960-61,  
c. 102, s. 1),  
amended

- (4) Except as provided in subsection 4c, the birth of a child of a married woman shall be registered showing the surname of the husband as the surname of the child, and the particulars of the husband shall be given as those of the father of the child.

Birth of  
child to  
married  
woman

(2) Subsections 4a and 4b of the said section 6, as enacted by section 1 of *The Vital Statistics Amendment Act, 1960-61*, are repealed.

R.S.O. 1960,  
c. 419, s. 6,  
subs. 4a, 4b  
(1960-61,  
c. 102, s. 1),  
repealed

R.S.O. 1960,  
c. 419, s. 6,  
subs. 4c  
(1962-63,  
c. 141, s. 1,  
subs. 2),  
amended

(3) Subsection 4c of the said section 6, as enacted by subsection 2 of section 1 of *The Vital Statistics Amendment Act, 1962-63*, is amended by adding "and" at the end of clause *a* and by striking out clauses *c* and *d*, so that the subsection shall read as follows:

Further  
alternative  
procedure  
in certain  
cases

(4c) Where a married woman to whom a child is born files with the division registrar a statutory declaration in the prescribed form,

(a) that when the child was conceived she was living separate and apart from her husband; and

(b) that her husband is not the father of the child,

no particulars of the father shall be given in the statement mentioned in subsection 1, unless the mother and a person who acknowledges himself to be the father of the child both so request in writing in the prescribed form, in which case the particulars of the person so acknowledging may be given as the particulars of the father, or the birth may be registered showing the surname of the person so acknowledging as the surname of the child, or both.

R.S.O. 1960,  
c. 419, s. 28,  
subs. 2,  
re-enacted;  
subs. 3-6,  
repealed

**3.** Subsections 2, 3, 4, 5 and 6 of section 28 of *The Vital Statistics Act* are repealed and the following substituted therefor:

Registration  
of statement

(2) If the marriage dissolved or annulled by the decree was solemnized in Ontario and registered with the Registrar General, the Registrar General, upon receipt of the statement of the divorce, shall register the statement.

R.S.O. 1960,  
c. 419, s. 29,  
repealed

**4.** Section 29 of *The Vital Statistics Act* is repealed.

R.S.O. 1960,  
c. 419, s. 50,  
amended

**5.** Section 50 of *The Vital Statistics Act*, as amended by section 7 of *The Vital Statistics Amendment Act, 1965*, is further amended by adding thereto the following subsection:

Statistics  
excepted

(2) Nothing in subsection 1 prohibits the furnishing and publication of information of a general statistical nature that does not disclose information about any individual person.

Commence-  
ment

**6.** This Act comes into force on the day it receives Royal Assent.

Short title

**7.** This Act may be cited as *The Vital Statistics Amendment Act, 1970*.

Subsection 3. The clauses deleted require the mother to declare that she is commonly known under the surname of the father of the child, and that she was living separate and apart from her husband for at least one year before the birth of the child.

SECTION 3. The provisions repealed require the Registrar General to note the dissolution or annulment of a marriage on the marriage registration and require the payment of a fee of 50 cents to the Registrar and local registrars of the Supreme Court for each divorce or annulment reported by him. The requirement that the Registrar General register the fact of the divorce or annulment remains.

SECTION 4. The interprovincial transmission of divorce or annulment decrees has been abandoned by all provinces except Ontario. The amendment deletes the requirement for Ontario.

SECTION 5. The amendment ensures that the provision guaranteeing secrecy of the Registrar General's records does not prevent their use for general statistical purpose.







An Act to amend  
The Vital Statistics Act

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*1st Reading*

October 6th, 1970

*2nd Reading*

*3rd Reading*

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MR. WELCH

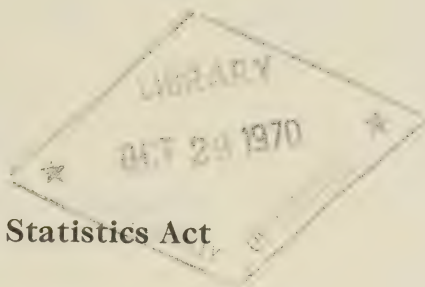
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## BILL 173

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3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

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**An Act to amend The Vital Statistics Act**

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MR. WELCH

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TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER



BILL 173

1970

## An Act to amend The Vital Statistics Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 4 of *The Vital Statistics Act* is amended by striking out "who shall be deemed to be a deputy minister under *The Public Service Act*" in the second, third and fourth lines and by striking out "directly" in the fifth line, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 419, s. 4,  
subs. 1,  
amended

- (1) There shall be a Deputy Registrar General appointed by the Lieutenant Governor in Council who shall have direct supervision of the office of the Registrar General and be responsible to the Registrar General for the conduct of his office and who shall perform such other duties as may be prescribed by the regulations or delegated to him by the Registrar General.

Deputy  
Registrar  
General

2.—(1) Subsection 4 of section 6 of *The Vital Statistics Act*, as re-enacted by section 1 of *The Vital Statistics Amendment Act, 1960-61* and amended by subsection 1 of section 1 of *The Vital Statistics Amendment Act, 1962-63*, is further amended by striking out "subsections 4a and" in the amendment of 1962-63 and inserting in lieu thereof "subsection", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 419, s. 6,  
subs. 4  
(1960-61,  
c. 102, s. 1),  
amended

- (4) Except as provided in subsection 4c, the birth of a child of a married woman shall be registered showing the surname of the husband as the surname of the child, and the particulars of the husband shall be given as those of the father of the child.

Birth of  
child to  
married  
woman

(2) Subsections 4a and 4b of the said section 6, as enacted by section 1 of *The Vital Statistics Amendment Act, 1960-61*, are repealed.

R.S.O. 1960,  
c. 419, s. 6,  
subss. 4a, 4b  
(1960-61,  
c. 102, s. 1),  
repealed

R.S.O. 1960,  
c. 419, s. 6,  
subs. 4c  
(1962-63,  
c. 141, s. 1,  
subs. 2),  
amended

(3) Subsection 4c of the said section 6, as enacted by subsection 2 of section 1 of *The Vital Statistics Amendment Act, 1962-63*, is amended by adding "and" at the end of clause *a* and by striking out clauses *c* and *d*, so that the subsection shall read as follows:

Further  
alternative  
procedure  
in certain  
cases

(4c) Where a married woman to whom a child is born files with the division registrar a statutory declaration in the prescribed form,

(a) that when the child was conceived she was living separate and apart from her husband; and

(b) that her husband is not the father of the child,

no particulars of the father shall be given in the statement mentioned in subsection 1, unless the mother and a person who acknowledges himself to be the father of the child both so request in writing in the prescribed form, in which case the particulars of the person so acknowledging may be given as the particulars of the father, or the birth may be registered showing the surname of the person so acknowledging as the surname of the child, or both.

R.S.O. 1960,  
c. 419, s. 28,  
subs. 2,  
re-enacted;  
subss. 3-6,  
repealed

**3.** Subsections 2, 3, 4, 5 and 6 of section 28 of *The Vital Statistics Act* are repealed and the following substituted therefor:

Registration  
of statement

(2) If the marriage dissolved or annulled by the decree was solemnized in Ontario and registered with the Registrar General, the Registrar General, upon receipt of the statement of the divorce, shall register the statement.

R.S.O. 1960,  
c. 419, s. 29,  
repealed

**4.** Section 29 of *The Vital Statistics Act* is repealed.

R.S.O. 1960,  
c. 419, s. 50,  
amended

**5.** Section 50 of *The Vital Statistics Act*, as amended by section 7 of *The Vital Statistics Amendment Act, 1965*, is further amended by adding thereto the following subsection:

Statistics  
excepted

(2) Nothing in subsection 1 prohibits the furnishing and publication of information of a general statistical nature that does not disclose information about any individual person.

Commence-  
ment

**6.** This Act comes into force on the day it receives Royal Assent.

Short title

**7.** This Act may be cited as *The Vital Statistics Amendment Act, 1970*.









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An Act to amend  
The Vital Statistics Act

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*1st Reading*

October 6th, 1970

*2nd Reading*

October 14th, 1970

*3rd Reading*

October 14th, 1970

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MR. WELCH

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BILL 174

3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

An Act to amend The Day Nurseries Act, 1966

MR. YAREMKO



#### EXPLANATORY NOTE

Indian bands are placed upon the same footing as municipalities for the purpose of grants respecting day nurseries.

BILL 174

1970

## An Act to amend The Day Nurseries Act, 1966

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 3 of *The Day Nurseries Act, 1966*,<sup>1966, c. 37, s. 3, subs. 2</sup> as re-enacted by section 2 of *The Day Nurseries Amendment Act, 1968-69*,<sup>(1968-69, c. 23, s. 2), amended</sup> is amended by inserting after "nursery" in the second line "or enters into an agreement with any person or organization operating a licensed day nursery for the furnishing of such day nursery services for such children as is agreed upon" and by striking out "payment" in the second line and inserting in lieu thereof "payments", so that the subsection shall read as follows:

- (2) Where a council of the band establishes a day nursery<sup>Grants to Indian bands</sup> or enters into an agreement with any person or organization operating a licensed day nursery for the furnishing of such day nursery services for such children as is agreed upon, the band is entitled to the payments referred to in subsection 1 in the same manner as if the band were a municipality.

2. This Act comes into force on the day it receives Royal<sup>Commence-ment</sup> Assent.

3. This Act may be cited as *The Day Nurseries Amendment Act, 1970*.<sup>Short title</sup>



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An Act to amend  
The Day Nurseries Act, 1966

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*1st Reading*

October 6th, 1970

*2nd Reading*

*3rd Reading*

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MR. YAREMKO

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**BILL 174**

3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

**An Act to amend The Day Nurseries Act, 1966**

MR. YAREMKO

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER



BILL 174

1970

## An Act to amend The Day Nurseries Act, 1966

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 3 of *The Day Nurseries Act, 1966*,<sup>1966, c. 37, s. 3, subs. 2</sup> as re-enacted by section 2 of *The Day Nurseries Amendment Act, 1968-69*,<sup>(1968-69, c. 23, s. 2), amended</sup> is amended by inserting after "nursery" in the second line "or enters into an agreement with any person or organization operating a licensed day nursery for the furnishing of such day nursery services for such children as is agreed upon" and by striking out "payment" in the second line and inserting in lieu thereof "payments", so that the subsection shall read as follows:

- (2) Where a council of the band establishes a day nursery<sup>Grants to Indian bands</sup> or enters into an agreement with any person or organization operating a licensed day nursery for the furnishing of such day nursery services for such children as is agreed upon, the band is entitled to the payments referred to in subsection 1 in the same manner as if the band were a municipality.

2. This Act comes into force on the day it receives Royal<sup>Commence-ment</sup> Assent.

3. This Act may be cited as *The Day Nurseries Amendment Act, 1970*.<sup>Short title</sup>

An Act to amend  
The Day Nurseries Act, 1966

*1st Reading*

October 6th, 1970

*2nd Reading*

October 14th, 1970

*3rd Reading*

October 14th, 1970

MR. YAREMKO

**BILL 175**

3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

**An Act to amend The General Welfare Assistance Act**

MR. YAREMKO



TORONTO

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#### EXPLANATORY NOTE

Subject to the approval of the county council and the Director of the General Welfare Assistance Branch, an Indian band may form part of a county for the purpose of administering assistance under the Act.

BILL 175

1970

**An Act to amend  
The General Welfare Assistance Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 10 of *The General Welfare Assistance Act*, <sup>R.S.O. 1960,</sup> as amended by section 8 of *The General Welfare Assistance* <sup>c. 164, s. 10,</sup> *Amendment Act, 1967*, is further amended by adding thereto the following subsection:

(3a) A band may, with the approval of the council of County  
a county and the Director, form part of the county adminis-  
tration  
for the purpose of the administration of assistance.

**2.** This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent.  
ment

**3.** This Act may be cited as *The General Welfare Assistance* <sup>Short title</sup> *Amendment Act, 1970*.

An Act to amend  
The General Welfare Assistance Act

*1st Reading*

October 6th, 1970

*2nd Reading*

*3rd Reading*

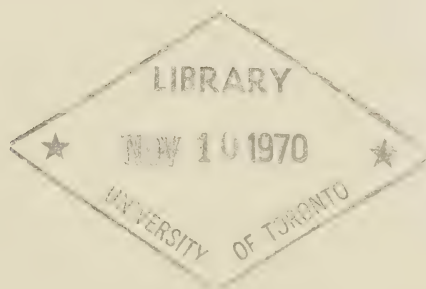
MR. YAREMKO

**BILL 175**

3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

**An Act to amend The General Welfare Assistance Act**

MR. YAREMKO



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER



BILL 175

1970

**An Act to amend  
The General Welfare Assistance Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 10 of *The General Welfare Assistance Act*, <sup>R.S.O. 1960, c. 164, s. 10,</sup> as amended by section 8 of *The General Welfare Assistance Amendment Act, 1967*, is further amended by adding thereto the following subsection:

(3a) A band may, with the approval of the council of <sup>County</sup> a county and the Director, form part of the county <sup>adminis-</sup> <sup>tration</sup> for the purpose of the administration of assistance.

**2.** This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. <sup>ment</sup>

**3.** This Act may be cited as *The General Welfare Assistance* <sup>Short title</sup> *Amendment Act, 1970*.



An Act to amend  
The General Welfare Assistance Act

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*1st Reading*

October 6th, 1970

*2nd Reading*

October 14th, 1970

*3rd Reading*

October 28th, 1970

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MR. YAREMKO

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**BILL 176**

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3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

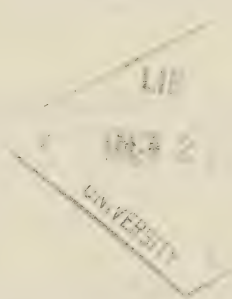
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**An Act to amend The District Welfare Administration  
Boards Act, 1962-63**

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MR. YAREMKO

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TORONTO

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EXPLANATORY NOTES

SECTION 1—Subsections 1 and 2. Self-explanatory.

Subsection 3. The definition of municipality is enlarged to include an Indian band.

SECTION 2. The provision and administration of welfare services by a board may be extended to an Indian band.

BILL 176

1970

**An Act to amend  
The District Welfare Administration  
Boards Act, 1962-63**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Section 1 of *The District Welfare Administration Boards Act, 1962-63*, as amended by section 1 of *The District Welfare Administration Boards Amendment Act, 1966* and section 1 of *The District Welfare Administration Boards Amendment Act, 1968-69*, is further amended by relettering clause *a* as clause *aa* and by adding thereto the following clause:

(a) “band” and “council of the band” have the same meaning as in the *Indian Act* (Canada). R.S.C. 1952,  
c. 149

(2) Clause *d* of the said section 1 is amended by striking out “Public Welfare” and inserting in lieu thereof “Social and Family Services”. 1962-63,  
c. 37, s. 1,  
cl. *d*,  
amended

(3) Clause *e* of the said section 1, as amended by section 1 of *The District Welfare Administration Boards Amendment Act, 1968-69*, is further amended by striking out “or” in the first line and by inserting after “district” in the second line “or band”, so that the clause shall read as follows: 1962-63,  
c. 37, s. 1,  
cl. *e*,  
amended

(e) “municipality” means a city, town, village, township, improvement district or band to which this Act applies as determined under section 2.

**2.** Subsection 2 of section 2 of *The District Welfare Administration Boards Act, 1962-63*, as re-enacted by section 2 of *The District Welfare Administration Boards Amendment Act, 1968-69*, is repealed and the following substituted therefor: 1962-63,  
c. 37, s. 2,  
(1968-69,  
c. 29, s. 2),  
subs. 2,  
re-enacted

City or  
band in a  
district

- (2) Any city or band in a district where a board is established may, at the request of the council of the city or band, as the case may be, and with the approval of the board and the Director of the General Welfare Assistance Branch of the Department of Social and Family Services, be a municipality to which this Act applies.

1962-63,  
c. 37, s. 3,  
subs. 1,  
re-enacted

**3.** Subsection 1 of section 3 of *The District Welfare Administration Boards Act, 1962-63* is repealed and the following substituted therefor:

Establish-  
ment of  
district  
welfare  
administra-  
tion board

- (1) A district welfare administration board shall be established and maintained for a district by all the towns, villages, townships and improvement districts in the district when by-laws authorizing the establishment of the board have been passed by a majority of all those municipalities in the district.

1962-63,  
c. 37, s. 6,  
re-enacted

**4.** Section 6 of *The District Welfare Administration Boards Act, 1962-63*, as amended by section 4 of *The District Welfare Administration Boards Amendment Act, 1968-69*, is repealed and the following substituted therefor:

Assessment  
to be  
revised and  
equalized

- 6.—(1) For the purposes of this Act, the Department of Municipal Affairs shall in each year revise and equalize the assessment rolls of the municipalities, other than bands, in each district for which a board is established and in so doing shall, where applicable, add to the valuation of each municipality,

1968-69,  
c. 6

- (a) the amounts obtained under subsections 2 and 3 of section 72 of *The Assessment Act, 1968-69* as varied by subsection 4 of section 72 of that Act and;

R.S.O. 1960,  
c. 249

- (b) the amounts credited to the municipality under section 294*b* of *The Municipal Act*.

Appeal

- (2) Any municipality in a district, other than a band, that is not satisfied with the last revised assessment of any municipality in the district, as equalized for the purpose of this Act, may appeal by notice in writing to the Ontario Municipal Board from the decision of the Department of Municipal Affairs, as varied by any amounts added in accordance with subsection 1, at any time within thirty days after the mailing of the equalized report to the appealing municipality by the Department of Municipal Affairs.

SECTION 3. The intent of the subsection is clarified.

SECTION 4. The re-enacted section clarifies the manner in which the expenditures of a district welfare administration board are apportioned among the participating municipalities.





- (3) Every report of an equalization made for the purposes <sup>Idem</sup> of this Act shall set out the time within which an appeal may be made to the Ontario Municipal Board with respect to such equalization.
- (4) Subject to sections 6a and 6b, each board shall in each year apportion among the municipalities in the district, in proportion to the amounts of their assessments according to the assessment rolls as revised and equalized in the immediately preceding year, the amounts that it estimates will be required to defray the expenditures for welfare services for that year, including the expenses incurred for the administration of welfare services, and shall on or before the 15th day of March notify the clerk of each such municipality of the amount to be provided by that municipality. <sup>Estimates and apportionment</sup>
- (5) Subject to sections 6a and 6b, where a board, after giving notice of its estimated expenditures under subsection 4, incurs during that year, additional costs for welfare services or for the administration of welfare services that were not anticipated at the time that the said notice was given, such additional costs shall be apportioned among the municipalities in accordance with subsection 4 and the board shall notify the clerk of each such municipality of the additional amount to be provided by that municipality during the year. <sup>Where additional costs incurred</sup>
- (6) In preparing the estimates, the board may provide for a reserve for working funds, but the amount of the reserve in a year shall not exceed 15 per cent of the total estimates of the board for the year. <sup>Reserve for working funds</sup>
- (7) Where the actual expenditures of a board for any year are greater or less than the estimated expenditures for that year, the board shall, in preparing the estimates of the amount required to defray its expenditures for the next following year, <sup>Estimates</sup>
- (a) make due allowance for any surplus that will be available from the preceding year; or
  - (b) provide for any deficit of the preceding year.
- (8) Each municipality shall pay the amounts required to be provided by it under this section, or determined by agreement under section 6a, to the board on demand. <sup>Payment by municipalities</sup>

Penalty

- (9) A board may impose on a municipality a percentage charge as a penalty for non-payment of amounts payable under this section not exceeding 1 per cent on the first day of default and on the first day of each calendar month thereafter in which default continues.

Where assessments not equalized in time

- (10) Where in any year the last revised assessment rolls of the municipalities in the district are not equalized by the Department of Municipal Affairs under subsection 1 before the 10th day of February, the board may apportion the amount that it estimates to be required in proportion to the amounts of their assessments most recently equalized, and in that case shall re-apportion the amount and make the necessary adjustments after the equalization is completed.

Where equalized assessment appealed

- (11) Where in any year the last revised assessment rolls of the municipalities in a district are revised and equalized and have been appealed, the board may apportion the amount that it estimates to be required in proportion to the amounts of their assessments as revised and equalized, and in that case shall re-apportion the amount and make the necessary adjustments in accordance with the decision of the Ontario Municipal Board or the judgment of a court.

1962-63, c. 37, amended

**5. *The District Welfare Administration Boards Act, 1962-63*** is amended by adding thereto the following sections:

Expenditures incurred in respect of band to be paid under agreement

- 6b. Notwithstanding sections 6 and 6a, where a band in a district is a municipality to which this Act applies, the amount or any part thereof required by the board for the provision of welfare services to the members of the band, including the expenses incurred for the administration of such services, shall not be apportioned among the municipalities in the district in accordance with section 6 or 6a, but shall be paid by the council of the band to the board in accordance with an agreement in writing approved by the Minister between the board and the council of the band.

Power of board to borrow for current expenditures

- 6c.—(1) Subject to subsection 2, a board may borrow from time to time by way of a promissory note such sums as the board deems necessary to meet the current expenditures of the board until the current revenue is received.

Maximum borrowings

- (2) The amount that may be borrowed at any one time for the purpose mentioned in subsection 1 together

SECTION 5. The expense of providing welfare services to an Indian band is not to be apportioned among the municipalities but is to be paid by the council of the band to the board in accordance with such agreement as the Minister may approve.

Provision is made for temporary borrowing by a board.

SECTION 6. The amendment deletes the reference to a per capita grant and makes it clear that the amount of the first year grant to a board is to be determined by regulation.

SECTIONS 7 and 8. Complementary to section 6 of the Bill.

with the total of any similar borrowings that have not been repaid shall not exceed 25 per cent of the estimated current revenue of the board for the current year.

- (3) Until the estimates of the board for the current year <sup>Idem</sup> under section 6 have been determined, the limitation upon borrowing prescribed in subsection 2 shall be temporarily calculated upon 25 per cent of the estimates for the board determined for the next preceding year.

**6.** Subsection 1 of section 7 of *The District Welfare Administration Boards Act, 1962-63* is amended by striking out "a <sup>1962-63, c. 37, s. 7, subs. 1, amended</sup> per capita grant in accordance with the population of each municipality in the district in the amount prescribed by" in the fourth, fifth and sixth lines and inserting in lieu thereof "a grant in an amount determined in accordance with" and by striking out "for that district" in the sixth line, so that the subsection shall read as follows:

- (1) In the first year in which a board is established for a <sup>Provincial grant for first year</sup> district, the Lieutenant Governor in Council may, out of the moneys appropriated therefor by the Legislature, direct payment to the board of a grant in an amount determined in accordance with the regulations to assist the board to carry out the purposes of this Act during the first year.

**7.** Section 8 of *The District Welfare Administration Boards Act, 1962-63* is repealed. <sup>1962-63, c. 37, s. 8, repealed</sup>

**8.** Clause *c* of section 9 of *The District Welfare Administration Boards Act, 1962-63* is repealed and the following substituted therefor: <sup>1962-63, c. 37, s. 9, cl. c, re-enacted</sup>

- (*c*) prescribing the manner of determining the amount of a grant for a district for the purposes of section 7.

**9.** This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. <sup>ment</sup>

**10.** This Act may be cited as *The District Welfare Administration Boards Amendment Act, 1970*. <sup>Short title</sup>



An Act to amend The District Welfare  
Administration Boards Act, 1962-63

*1st Reading*

October 6th, 1970

*2nd Reading*

*3rd Reading*

MR. YAREMKO

**BILL 176**

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3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

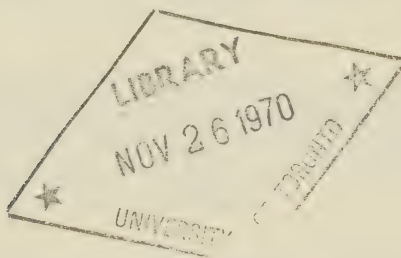
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**An Act to amend The District Welfare Administration  
Boards Act, 1962-63**

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MR. YAREMKO

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BILL 176

1970

**An Act to amend  
The District Welfare Administration  
Boards Act, 1962-63**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Section 1 of *The District Welfare Administration Boards Act, 1962-63*, as amended by section 1 of *The District Welfare Administration Boards Amendment Act, 1966* and section 1 of *The District Welfare Administration Boards Amendment Act, 1968-69*, is further amended by relettering clause *a* as clause *aa* and by adding thereto the following clause:

(a) “band” and “council of the band” have the same meaning as in the *Indian Act* (Canada). R.S.C. 1952,  
c. 149

(2) Clause *d* of the said section 1 is amended by striking out “Public Welfare” and inserting in lieu thereof “Social and Family Services”. 1962-63,  
c. 37, s. 1,  
cl. *d*,  
amended

(3) Clause *e* of the said section 1, as amended by section 1 of *The District Welfare Administration Boards Amendment Act, 1968-69*, is further amended by striking out “or” in the first line and by inserting after “district” in the second line “or band”, so that the clause shall read as follows:

(e) “municipality” means a city, town, village, township, improvement district or band to which this Act applies as determined under section 2.

**2.** Subsection 2 of section 2 of *The District Welfare Administration Boards Act, 1962-63*, as re-enacted by section 2 of *The District Welfare Administration Boards Amendment Act, 1968-69*, is repealed and the following substituted therefor:

City or  
band in a  
district

- (2) Any city or band in a district where a board is established may, at the request of the council of the city or band, as the case may be, and with the approval of the board and the Director of the General Welfare Assistance Branch of the Department of Social and Family Services, be a municipality to which this Act applies.

1962-63,  
c. 37, s. 3,  
subs. 1,  
re-enacted

**3.** Subsection 1 of section 3 of *The District Welfare Administration Boards Act, 1962-63* is repealed and the following substituted therefor:

Establish-  
ment of  
district  
welfare  
administra-  
tion board

- (1) A district welfare administration board shall be established and maintained for a district by all the towns, villages, townships and improvement districts in the district when by-laws authorizing the establishment of the board have been passed by a majority of all those municipalities in the district.

1962-63,  
c. 37, s. 6,  
re-enacted

**4.** Section 6 of *The District Welfare Administration Boards Act, 1962-63*, as amended by section 4 of *The District Welfare Administration Boards Amendment Act, 1968-69*, is repealed and the following substituted therefor:

Assessment  
to be  
revised and  
equalized

- 6.—(1) For the purposes of this Act, the Department of Municipal Affairs shall in each year revise and equalize the assessment rolls of the municipalities, other than bands, in each district for which a board is established and in so doing shall, where applicable, add to the valuation of each municipality,

1968-69,  
c. 6

- (a) the amounts obtained under subsections 2 and 3 of section 72 of *The Assessment Act, 1968-69* as varied by subsection 4 of section 72 of that Act and;

R.S.O. 1960,  
c. 249

- (b) the amounts credited to the municipality under section 294b of *The Municipal Act*.

Appeal

- (2) Any municipality in a district, other than a band, that is not satisfied with the last revised assessment of any municipality in the district, as equalized for the purpose of this Act, may appeal by notice in writing to the Ontario Municipal Board from the decision of the Department of Municipal Affairs, as varied by any amounts added in accordance with subsection 1, at any time within thirty days after the mailing of the equalized report to the appealing municipality by the Department of Municipal Affairs.

- (3) Every report of an equalization made for the purposes <sup>Idem</sup> of this Act shall set out the time within which an appeal may be made to the Ontario Municipal Board with respect to such equalization.
- (4) Subject to sections 6*a* and 6*b*, each board shall in each year apportion among the municipalities in the district, in proportion to the amounts of their assessments according to the assessment rolls as revised and equalized in the immediately preceding year, the amounts that it estimates will be required to defray the expenditures for welfare services for that year, including the expenses incurred for the administration of welfare services, and shall on or before the 15th day of March notify the clerk of each such municipality of the amount to be provided by that municipality. <sup>Estimates and apportionment</sup>
- (5) Subject to sections 6*a* and 6*b*, where a board, after giving notice of its estimated expenditures under subsection 4, incurs during that year, additional costs for welfare services or for the administration of welfare services that were not anticipated at the time that the said notice was given, such additional costs shall be apportioned among the municipalities in accordance with subsection 4 and the board shall notify the clerk of each such municipality of the additional amount to be provided by that municipality during the year. <sup>Where additional costs incurred</sup>
- (6) In preparing the estimates, the board may provide <sup>Reserve for working funds</sup> for a reserve for working funds, but the amount of the reserve in a year shall not exceed 15 per cent of the total estimates of the board for the year.
- (7) Where the actual expenditures of a board for any year are greater or less than the estimated expenditures for that year, the board shall, in preparing the estimates of the amount required to defray its expenditures for the next following year, <sup>Estimates</sup>
- (*a*) make due allowance for any surplus that will be available from the preceding year; or
  - (*b*) provide for any deficit of the preceding year.
- (8) Each municipality shall pay the amounts required <sup>Payment by municipalities</sup> to be provided by it under this section, or determined by agreement under section 6*a*, to the board on demand.



Penalty

- (9) A board may impose on a municipality a percentage charge as a penalty for non-payment of amounts payable under this section not exceeding 1 per cent on the first day of default and on the first day of each calendar month thereafter in which default continues.

Where  
assessments  
not  
equalized  
in time

- (10) Where in any year the last revised assessment rolls of the municipalities in the district are not equalized by the Department of Municipal Affairs under subsection 1 before the 10th day of February, the board may apportion the amount that it estimates to be required in proportion to the amounts of their assessments most recently equalized, and in that case shall re-apportion the amount and make the necessary adjustments after the equalization is completed.

Where  
equalized  
assessment  
appealed

- (11) Where in any year the last revised assessment rolls of the municipalities in a district are revised and equalized and have been appealed, the board may apportion the amount that it estimates to be required in proportion to the amounts of their assessments as revised and equalized, and in that case shall re-apportion the amount and make the necessary adjustments in accordance with the decision of the Ontario Municipal Board or the judgment of a court.

1962-63,  
c. 37,  
amended

**5. *The District Welfare Administration Boards Act, 1962-63*** is amended by adding thereto the following sections:

Expendi-  
tures  
incurred in  
respect of  
band to be  
paid under  
agreement

- 6b. Notwithstanding sections 6 and 6a, where a band in a district is a municipality to which this Act applies, the amount or any part thereof required by the board for the provision of welfare services to the members of the band, including the expenses incurred for the administration of such services, shall not be apportioned among the municipalities in the district in accordance with section 6 or 6a, but shall be paid by the council of the band to the board in accordance with an agreement in writing approved by the Minister between the board and the council of the band.

Power of  
board to  
borrow for  
current  
expenditures

- 6c.—(1) Subject to subsection 2, a board may borrow from time to time by way of a promissory note such sums as the board deems necessary to meet the current expenditures of the board until the current revenue is received.

Maximum  
borrowings

- (2) The amount that may be borrowed at any one time for the purpose mentioned in subsection 1 together

with the total of any similar borrowings that have not been repaid shall not exceed 25 per cent of the estimated current revenue of the board for the current year.

- (3) Until the estimates of the board for the current year <sup>Idem</sup> under section 6 have been determined, the limitation upon borrowing prescribed in subsection 2 shall be temporarily calculated upon 25 per cent of the estimates for the board determined for the next preceding year.

**6.** Subsection 1 of section 7 of *The District Welfare Administration Boards Act, 1962-63* is amended by striking out "a per capita grant in accordance with the population of each municipality in the district in the amount prescribed by" in the fourth, fifth and sixth lines and inserting in lieu thereof "a grant in an amount determined in accordance with" and by striking out "for that district" in the sixth line, so that the subsection shall read as follows: <sup>1962-63, c. 37, s. 7, subs. 1, amended</sup>

- (1) In the first year in which a board is established for a <sup>Provincial grant for first year</sup> district, the Lieutenant Governor in Council may, out of the moneys appropriated therefor by the Legislature, direct payment to the board of a grant in an amount determined in accordance with the regulations to assist the board to carry out the purposes of this Act during the first year.

**7.** Section 8 of *The District Welfare Administration Boards Act, 1962-63* is repealed. <sup>1962-63, c. 37, s. 8, repealed</sup>

**8.** Clause *c* of section 9 of *The District Welfare Administration Boards Act, 1962-63* is repealed and the following substituted therefor: <sup>1962-63, c. 37, s. 9, cl. c, re-enacted</sup>

- (c) prescribing the manner of determining the amount of a grant for a district for the purposes of section 7.

**9.** This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. <sup>ment</sup>

**10.** This Act may be cited as *The District Welfare Administration Boards Amendment Act, 1970*. <sup>Short title</sup>

An Act to amend The District Welfare  
Administration Boards Act, 1962-63

*1st Reading*

October 6th, 1970

*2nd Reading*

October 14th, 1970

*3rd Reading*

October 28th, 1970

MR. YAREMKO









